

COMMENT FORM



✓
PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to 3 MINUTES.
- Give to the Clerk in Chambers prior to the meeting.

Date of Meeting 9-11-17

Item Number From Agenda 3A

NAME: Travis Malford

ADDRESS: Street: 19446 Propector Ter

City, State, Zip: Oregon City OR 97045

PHONE NUMBER: 503-318-1955

E-MAIL ADDRESS: Travis@TheGreenPlanet.co

SIGNATURE: 

COMMENT FORM



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Date of Meeting

9/11/17

Item Number From Agenda

3a

NAME:

Corinne Celko

ADDRESS:

Street: 805 SW Broadway, Ste 2400

City, State, Zip: Portland, OR 97205

PHONE NUMBER:

(503) 467-0396

E-MAIL ADDRESS:

corinne@emerge lawgroup.com

SIGNATURE:

COMMENT FORM



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Date of Meeting

Monday, Sept. 11, 2017

Item Number From Agenda

? (3A)

NAME:

Larry Krause

ADDRESS:

Street: 28415 Paradise Rd

City, State, Zip: Eagle Creek, OR

PHONE NUMBER:

503. 989. 08218

E-MAIL ADDRESS:

Larry.Krause998@jmail.com

SIGNATURE:

L. W. Krause

COMMENT FORM



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Date of Meeting 9/11/17

Item Number From Agenda 1 - many items various

NAME: Tracy Noble

ADDRESS: Street: 18049 Newell Ridge Dr

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER: 503-657-0129

E-MAIL ADDRESS: kern13@g.com

SIGNATURE: Tracy Noble

COMMENT FORM



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Date of Meeting

9/11/17

Item Number From Agenda

3A Land Use Modification

NAME:

Lynn DeImore

ADDRESS:

Street:

465 Harris Ln

City, State, Zip:

Oregon City OR 97045

PHONE NUMBER:

503 522 9986

E-MAIL ADDRESS:

Lynnedpsalm91@gmail.com

SIGNATURE:

Lynn DeImore

COMMENT FORM



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Date of Meeting 9-11-17

Item Number From Agenda 3a

*Oregon City
Together*

NAME:

Tiffany Hicks

ADDRESS:

Street: 2500 Belmont Dr

City, State, Zip: Hood River, OR

PHONE NUMBER:

541-490-4146 97031

E-MAIL ADDRESS:

tifhicks@live.com

SIGNATURE:

Tiffany Hicks

COMMENT FORM



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Date of Meeting

9/11/17

Item Number From Agenda

3a

Oregon City Together

NAME:

Paige Hirt

ADDRESS:

Street: 18907 Elder Rd

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER:

503-908-1794

E-MAIL ADDRESS:

paigehirt@comcast.net

SIGNATURE:

Paige Hirt

COMMENT FORM



PLEASE PRINT CLEARLY

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- Give to the Clerk in Chambers prior to the meeting.

Date of Meeting

SEPT. 11

Item Number From Agenda

3a

NAME:

Rocky SMITH

ADDRESS:

Street:

1016 MONROE ST.

City, State, Zip:

OREGON CITY, OR

PHONE NUMBER:

503-477-2867

E-MAIL ADDRESS:

rocky1smith2@yahoo.com

SIGNATURE:

Rocky Smith

I can't recall this person handwriting is this 3d or 3a

can't recall - I may not have called her
COMMENT FORM



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Date of Meeting 9/11/17

Item Number From Agenda 3a

NAME: KARON LAMB

ADDRESS: Street: 4283 SE MANORIAL LANE

City, State, Zip: MUHAMMAD OR 97267

PHONE NUMBER: 503-969-0378

E-MAIL ADDRESS: karonmarlamb@hotmail.com

SIGNATURE: [Handwritten Signature]



OREGON CITY PLANNING COMMISSION

Tally of Votes

Planning Commission Hearing Date: 9/11/17

Board Members Present

Staff Present

Mabee	McGriff	Walter	Terway
Espe	Johnson	C. Richter	
Henkin	Geil	Phil	Lewis
Mahoney			

Agenda Item: 3a. VR-17-05 Green Planet Sept. 25.
 Decision: Approve with Conditions Approve Deny Continue to
 text subject to adoption of findings

	Motion:	Second:	Aye:	Nay:	Abstain:	Comments:
Commissioner Geil				✓		
Commissioner Mabee	1		✓			park / variance too large
Commissioner Henkin			✓			
Commissioner Espe		2	✓			Doesit meet critn (A)
Commissioner Mahoney			✓			
Commissioner Johnson			✓			
Chair McGriff			✓			include Neely Testimony Hicks Testimony

Agenda Item: 3b. CP 17-02, CP 17-03, NR 17-04 Parles has children
 Decision: Approve with Conditions Approve Deny Continue to
 Sept. 25, 2017

	Motion:	Second:	Aye:	Nay:	Abstain:	Comments:
Commissioner Geil			✓			
Commissioner Mabee	✓		✓			
Commissioner Henkin			✓			
Commissioner Espe			✓			
Commissioner Mahoney			✓			
Commissioner Johnson			✓			
Chair McGriff		✓	✓			

VR 17-05

Green Planet

Variance

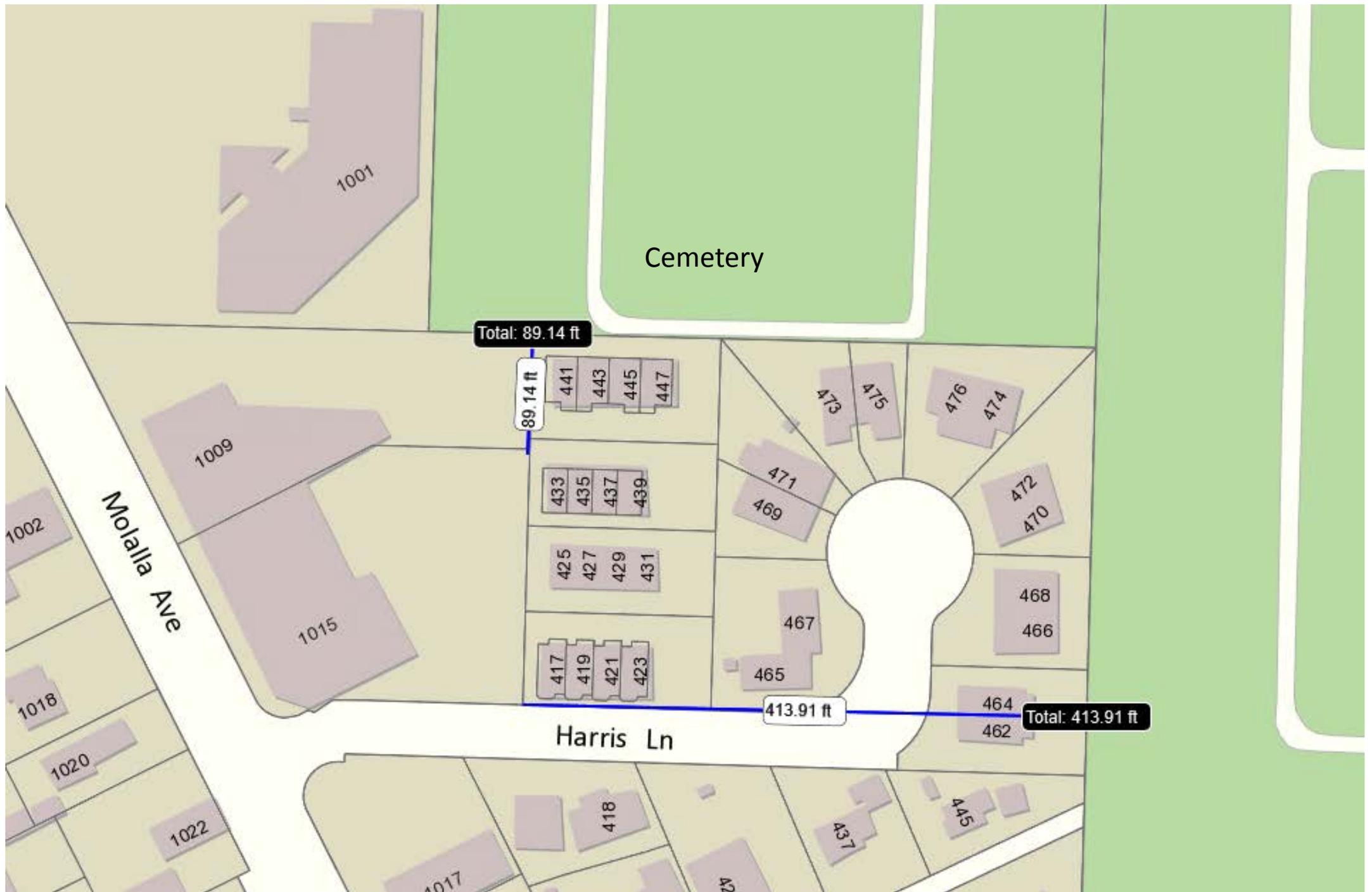
Planning Commission September 11, 2017



Background

- Applicant wishes to convert former restaurant space into marijuana retail facility
- Site is less than 250' from Mountain View Cemetery, which is designated as a Park by Oregon City.
- Applicant seeks variance from park buffer requirement of OCMC 17.54.110.(C)(1)
- *Restrictions on Location: Marijuana Dispensary or Retailer. A marijuana retailer shall not locate:*
 1. *Within two hundred fifty feet of any **public parks**, licensed child care and day care facilities, and public transit centers.*

Vicinity



Photos
from
Street



Photos from Street



Photos from Cemetery



Public Comments received

- Larry Krause
- Doug Neeley

Criteria for Variance OCMC 17.60.030

A variance may be granted only in the event that all of the following conditions exist:

- A. That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;*
- B. That the request is the minimum variance that would alleviate the hardship;*
- C. Granting the variance will equal or exceed the purpose of the regulation to be modified.*
- D. Any impacts resulting from the adjustment are mitigated;*
- E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and*
- F. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.*

Findings (excerpt)

- OCMC 17.60.030 (C - *Purpose*) is not met.
- the applicant has failed to address that the marijuana spacing requirements, as separated from parks and from each other, serve a critical function of limiting the number of marijuana related business within the city.
- The applicant has not identified how allowing the proposed Variance would maintain the overall number of retail locations which could be located in the City.

Findings (excerpt)

- OCMC 17.60.030 (D – *Mitigation*) is not met.
- the applicant did not identify how approval of the proposed Variance would maintain the overall number of retail locations which could be located in the City, and how the resulting increase in marijuana retail locations is mitigated.

Recommendation

- Denial

OCT Board
of
Directors

Chair:

Laura Poore

Bill Stuart

Doug Neeley

Chris

Wadsworth

Karen Lane

Chris Lane

Joe Cox

Lane

Dillman



Oregon City Together

building opportunities for a healthy & drug free future

1404 7th Street
Oregon City, OR
503.785.7994

September 8, 2017

Re: Variance from OCMC 17.54.110(c)(1)

Members of City Planning Commission:

Oregon City Together (OCT) is testifying regarding the request of variance from Oregon City Municipal Code 17.54.110(c)(1). OCMC section 17.54.110(C)(1) which requires that a marijuana retailer shall not locate within 250 feet of any public park, licensed child care and day care facilities, and public transit centers. Approval of this variance would allow for a marijuana retail dispensary within 250 feet of Mountain View Cemetery, which is an established park within Oregon City.

The variance notes that "The Cemetery has no playground, no ball fields, and no recreational activities of any kind" and "the lack of any recreational activities, children would not be expected to congregate there." Contrary to this claim OCT wishes to bring attention to a number of reasons the OCMC should continue to be recognized by the City, as a designated park where children are encouraged to frequent.

The City of Oregon City website for Mountain View Cemetery (<https://www.orcity.org/cemetery/mountain-view-cemetery-events>) highlights a number of public events and activities hosted at this park each year with the expressed purpose to encourage gathering of children, youth, families and community members. Specific events include annual Fall Cleanup, Spring Cleanup, Memorial Day, and National Day of Remembrance to Honor Murdered Child Victims.

Specifically, Mountain View Cemetery is the home of the beautiful Parents of Murdered Children (POMC) Memorial Wall and hosts the National Day of Remembrance. This is a day celebrated within the community in remembrance of the tragic loss our country suffers from murder in the United States and to remember and honor loved ones. This event includes speakers, music, and the names of loved ones are read aloud. The event also provides a barbeque for families and friends in attendance. Youth are expected to be in attendance of this event with their families each year. Mountain View Cemetery has also welcomed POMC and offered their site as a home to build their long-awaited Memorial Garden.

Exhibit A. 9/11/2017
VR-17-05 Planning
Commission

The annual Memorial Day Celebration hosted at Mountain View Cemetery features a number of speakers, tributes and youth programs to honor and remember those we have lost. Youth in attendance have included members of Oregon City High School Junior ROTC, Boy Scout Troop #220, #113 & #190 and Gardiner Middle School and Grand View Baptist Church bands. Aside from the Boy Scout Troops placing flags within the cemetery as part of a community service project, this event provides activities and crafts for the children in attendance including fire truck tours, coloring activities and bird house construction kits. By providing these activities, the community is communicating that youth are wanted and welcome in this park.

Additionally, the City of Oregon City is recognizing Newell Creek Canyon as *Oregon City's Big Backyard!* It features 52 acres of "*majestic trees, tumbling creeks and passionate Oregon City neighbors.*" Development plans are in the works to establish trailheads for youth, family and community use. This exciting development would significantly increase recreational activities and the frequency in which children and youth use this space. As such, this park should be protected as a recreational space within our community.

Have you heard of Pokémon Go and the craze to find Poke stops? This global phenomenon is a game highly popular with youth and children. The concept was to encourage youth to be more active in the real world using an app on their cell phone to seek and photograph cartoon images that are "hidden" in diverse real world spaces. One is even located within Mountain View Cemetery!

OCT recognizes that just because a park does not have traditional playground equipment or ballparks, it does not mean that it isn't used as a recreational space for the community.

In conjunction with recognizing Mount View Cemetery as an active place for youth to congregate and visit (managed by the Parks department <https://www.orcity.org/parksandrecreation/welcome-oregon-city-parks>), Oregon City Together has concerns that granting this variance would set a precedent for future exceptions. Oregon City is a good sized community that provides ample opportunity for business development. There is no need to impose on spaces protected for our youth.

OCT supports providing safe and healthy living environments for our youth to thrive which includes our community parks and recreation spaces. We encourage you to maintain the OCMC section 17.54.110(C)(1) that prohibits marijuana retail dispensaries within 250 feet of our parks.

Sincerely,

Paige Hirt, LPC, NCC, CADC I
Program Director

Letter of Testimony for a Variance from OCMC17.54.110.(c)1

I am testifying regarding the request for this variance, the approval of which would permit locating a marijuana retail dispensary within 250 feet of Mountain View Cemetery (an Oregon City chartered park). Unfortunately, I will be out of town when this request will be considered by the Planning Commission. Therefore this testimony is in written form.

One of the reasons that the property owner gives for requesting this variance is an assumption: That juveniles would not visit a park, like Mountain View Cemetery, since it has no recreational facilities for youth. If such a basis were ever used as a reason granting a variance, then a precedent would be set that would create the opportunity for similar variance requests. There are several parks in Oregon City without recreational facilities. For example, there are several parks that with natural areas where juveniles (under the age of 21) could find isolated places where they could use marijuana with little chance of being detected. Mountain View Cemetery is one of them. There is a large wooded area below the mausoleum that is relatively isolated and contiguous with the Metro regional open spaces in Newell Creek Canyon that could serve as a refuge for illicit drug use.

Further, Mountain View Cemetery is more than a place to inter the deceased: There are memorials at which annual ceremonies occur; a large part of the cemetery is designated as a pioneer cemetery where people interested in the history of the Oregon Territory and its first seat of government visit; and, since the Metro Regional Government already has plans for pedestrian-bicycle trail system within Newell Creek Canyon with an access to a future parking area adjacent to the cemetery, it is conceivable that, with the participation of the City, the trail system could be extended through the Cemetery to connect to other parts of the City, including Barkley Hills Park, at some time in the future. All of these activities are available to youth.

None of our codes can prevent our youth from using illicit substances, but the Planning Commission should not permit variances that make it easier for youth to access and use these substances.

The 250 foot exclusionary zone between marijuana dispensaries and Oregon City parks should be kept without consideration of the park's supposed use.

I assume that most marijuana dispensaries would not risk selling to people under the age of twenty-one. However, on more than one occasion, I have had youth come up to me when I was entering a convenience store and request me to buy a pack of cigarettes for them. I refused of course, but I am sure that there are "adults" who would see no harm in buying cigarettes, alcoholic beverages, or marijuana for them. Youth, having the help of such an enabling "adult", could go to such an isolated area within a park located close to a marijuana dispensary and inhale or ingest the illicit substance.

One other observation: Periodically gravesites in the cemetery are vandalized. I would not be at all surprised that some of these vandals are youth who are high on drugs.

Thank you for considering my concerns,

Doug Neeley

11614 Parrish Road
Oregon City resident

September 11, 2017

VIA HAND DELIVERY

Denyse McGriff
Chair of Planning Commission
City of Oregon City
PO Box 3040
221 Molalla Avenue, Suite 200
Oregon City, OR 97045

Re: The Green Planet, Inc., File No. PC 17-096
Applicant's Testimony

Dear Chair McGriff and Members of the Planning Commission:

This firm represents The Green Planet, Inc. with regard to the above-referenced application for a Major Variance (the "Application"). The Green Planet, Inc. ("Green Planet" or "Applicant") would like to operate an adult-use recreational marijuana retail store on property located at 1015 Molalla Avenue (the "Property"), which is zoned Mixed-Use Corridor 1 MUC1. Recreational marijuana retail stores are permitted outright in the MUC1 zone. However, Oregon City Municipal Code ("OCMC") Section 17.54.110(C)(1) requires that a marijuana retailer shall not locate within two hundred fifty feet (250') of any public parks, licensed child care and day care facilities, and public transit centers. Pursuant to OCMC Section 17.60.030, Green Planet seeks approval of a Major Variance to the 250' public parks buffer requirement to operate an adult-use recreational marijuana retail store on the Property.

This letter will address the issues raised in the Staff Report for this matter and reinforce that, as demonstrated in the Application materials, Green Planet meets all of the approval criteria for a Major Variance; therefore, this Application should be granted. Please include this letter and attachments in the official record of this proceeding.

Variance Approval Criteria – Purpose of the Regulation to be Modified

Approval or denial of a Major Variance shall be based solely on the standards and criteria as set forth in OCMC Sections 17.54.110 and 17.60.030. *See* ORS 227.173(1). The Oregon Land Use Board of Appeals ("LUBA") has stated that under ORS 227.173(1), the "standards and criteria" for permit approval must already exist in the plan and ordinance, and the local government cannot manufacture standards and criteria to apply to approve or deny a permit application. *Buel-McIntire v. City of Yachats*, 63 Or LUBA 452 (2011). Furthermore, LUBA has held that a city's decision violates ORS 227.173(1) where the city relies on "factors" or "considerations" unconnected to approval standards in its land use regulations to deny a permit application. *Ashley Manor Care Centers v. City of Grants Pass*, 38 Or LUBA 308 (2000).

In this instance, the only criteria that the Planning Commission may consider are those found in OCMC Section 17.54.110, "Marijuana businesses," and OCMC Section 17.60.030 "Variance - Grounds." Pursuant to OCMC Section 17.60.030 (C), one approval criterion for a variance is that, "*Granting the variance will equal or exceed the purpose of the regulation to be modified.*" Notably, OCMC Section 17.54.110 does not contain a statement of the purpose of the regulation requiring a 250' buffer separating marijuana retail stores from public parks, licensed child care and day care facilities, and public transit centers. In fact, the OCMC does not contain a statement of the specific purpose of **any** marijuana business regulation, and the City cannot invent a purpose for the buffer regulation when such purpose does not already exist in the municipal code.

Staff Report – Improper Basis for Recommendation of Denial

City Staff recommends denial of this Application based on the Applicant's alleged failure to demonstrate that the variance will equal or exceed the purpose of the 250' buffer regulation. Staff determined that one of the purposes of the 250' public parks buffer regulation was to limit the total number of marijuana retail locations available in the City. However, as previously mentioned, the City's municipal code does not contain a statement of the specific purpose of the 250' public parks buffer regulation, and staff does not specify where any such purpose statement can be found. Rather, staff relies on a series of demonstrative maps that were shared with the Planning Commission and City Commission during their meetings. These maps showed the proposed buffer locations and illustrated the likely number of retailers that would result from such buffer requirements. Notably, however, such maps were not adopted as part of the marijuana business regulations and, therefore, do not qualify as standards or criteria which could be used to approve or deny this Application. Moreover, the fact that the buffer maps allowed the ability to calculate the likely number of marijuana retailers to locate in the City does not necessarily mean that the *purpose* of the buffer regulations was to limit the number of marijuana retailers within the City. The City has not expressly codified the purpose of the 250' public parks buffer regulation to be to limit the number of marijuana retailers allowed in the City. Therefore, such reasoning cannot be the basis to deny this Application.

To the extent that the purpose of the 250' public parks buffer regulation can be gleaned from the regulation itself, the language of the regulation suggests that the purpose was to prevent a marijuana retailer from being located near a location where children congregate to avoid the distribution of marijuana to minors. Notably, the regulation provides a buffer not only to public parks, but also to child care facilities, day care facilities, and public transit centers, which are all areas that children tend to frequent.

Furthermore, the minutes from the Planning Commission and City Commission meetings regarding the proposed marijuana business regulations also reinforce the idea that the purpose of the 250' public parks buffer was to prevent marijuana retailers from being located near where children congregate. Testimony from residents and comments from Commissioners regarding the 250' buffer proposal focused on the impact of marijuana retailers on youths. Highlighted minutes from relevant Planning Commission and City Commission meetings are attached as **Exhibit A**.

As discussed in more detail in the Application narrative, as well as in Staff's Findings, the Application adequately demonstrates that the variance equals or exceeds the purpose of the 250' public parks buffer regulation, which is to prevent marijuana retailers from locating near locations where children congregate and to avoid the distribution of marijuana to minors. Specifically, the "public park" at issue is the Mountain View Cemetery (the "Cemetery"), which has no playground or recreational activities, and which is used solely for the maintenance of burial plots and as a mausoleum. A cemetery is not a place where children are known to congregate. Moreover, direct physical access from the Cemetery to the Property is restricted by fencing and dense landscaping. Additionally, the Application adequately demonstrates that any negative impacts resulting from the variance will be mitigated by visual and physical access limitations, as well as safety and security measures. Since Green Planet meets all of the approval criteria for a Major Variance, this Application should be granted.

Variance Maintains Overall Number of Available Retail Locations

Even if the Commission finds that the purpose of the 250' public parks buffer regulation is to limit the number of marijuana retailers that may locate within the City, this Application equals or exceeds such purpose. Based on the one thousand-foot (1,000') buffer required between marijuana retailers under OCMC Section 17.54.110(C)(3), approval of this Application will not increase the number of marijuana retailers that could locate within the City. Specifically, the subject Property lies within a strip of commercially-zoned properties between established marijuana retailers Gnome Grown at 719 Molalla Avenue and Electric Lettuce at 1279 Molalla Avenue. At the subject Property, Green Planet would be more than 1,000' away from each other marijuana retailer. However, once Green Planet is established at the Property, there would be no other commercially-zoned properties in the area that could site a marijuana retail store without being in violation of the 1,000' buffer regulation. Given the limited commercially-zoned area between marijuana retailers Gnome Grown and Electric Lettuce, denying this Application would still result in the ability of at least one (1) other marijuana retailer to locate in the area. In other words, approving this Application would NOT increase the number of marijuana retailers that could locate within the City. See maps demonstrating the effect of the 1,000' buffer regulation in the subject area, which are attached as **Exhibit B**.

Based on the 1,000' buffer separation between marijuana retailers, approving this Application maintains the overall number of available marijuana retail locations. Therefore, the variance equals or exceeds the purpose of the 250' public parks buffer regulation, and there are no negative impacts resulting from the variance that need to be mitigated because approval of the variance would not increase the overall number of available marijuana retail locations.

Conclusion

For the reasons stated above, we believe that this Application meets all of the relevant approval criteria under the City's code. The Property is zoned in a commercial area that has been deemed by the City to be well-suited for being utilized for legal marijuana retailing, the "public park" at issue is a cemetery where children do not usually congregate, and all of the negative impacts of the variance can be sufficiently minimized. Therefore, we respectfully request that you approve Green Planet's Application for a Major Variance.

Sincerely,



Corinne S. Celko

Attachments

cc: Client

EXHIBIT A

Planning Commission and City Commission Minutes



City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Meeting Minutes - Final

Planning Commission

Monday, July 25, 2016

7:00 PM

Commission Chambers

City Commission and Planning Commission Work Session - 5:30pm - 7:00pm

1. [PC 17-015](#) The Willamette Falls riverwalk design team is holding a work session to discuss riverwalk elements and design objectives with the Planning Commission and City Commission. The discussion will include:
 - River Access and Docks
 - Arts/Civic Space/Gathering Space
 - Interim Uses
 - Connecting and integrating the riverwalk to downtown
2. [17-111](#) Discussion of Type I Site Plan and Design Review Process

Planning Commission Hearing - 7:00pm

1. Call to Order

Vice Chair McGriff called the meeting to order at

Present: 4 - Tom Geil, Robert Mahoney, Zachary Henkin and Denyse McGriff

Absent: 3 - Charles Kidwell, Paul Espe and Damon Mabee

2. Public Comments

Sam Drevo spoke on behalf of We Love Clean Rivers. He played a clip from a Planning Commission meeting on September 8, 2014, where Commissioner Mabee suggested the idea of a whitewater park at the Willamette Falls Legacy Project site which had started momentum on the idea. Since then, they had spent over \$100,000, received grants, and had delivered results through technical studies and documentation. Up to to this point, the idea had been viewed positively. It had been publicly funded through the County, through a tourism development grant, and PGE contributed money as well. A significant number of resources, time, and energy had gone into this project and he was asking the Planning Commission to recommend to the City Commission to continue work on the project. Without any discussion or research, the City Commission had voted for an option that did not allow this project to continue as an element of the redevelopment. They wanted to keep the option alive. There was a lot of community support for the whitewater park.

Laura Terway, Community Development Director, stated comments on this issue could be directed to Kelly Reid, Planner, which would be taken to the Partners group in August where a final decision would be made.

Travis Kruger, resident of Oregon City, was in support of incorporating a whitewater channel into the Willamette Falls project. He did not want the Riverwalk to preclude the possibility for this channel. He was a whitewater slalom racer and spent a lot of time outdoors with his family. They often had to go outside of Oregon City to do outdoor activities. This was an opportunity to make Oregon City a destination for outdoor tourism. He worked on the feasibility study for a whitewater facility on the Clackamas, but learned there was no feasible site on the Clackamas. The Willamette Falls site was the most feasible due to the flows, vertical drop, and population center proximity, and they had the support of the community and the property owner. It would be able to function without pumping. The facility would be for a diverse range of ages and uses. He had worked on the City of Bend's whitewater park, and that site had many hurdles to overcome but was now a success.

Don Smith, resident of Oregon City, had served on PRAC previously where he noted the City had good Parks staff, but not enough money for parks. This was a solid revenue opportunity and he gave examples of other communities where these facilities had brought economic success. There was a strong market for this and it would bring in many visitors. He thought the private/public partnership would work well and he did not want to lose this once in a lifetime opportunity. He asked the Planning Commission to urge the City Commission to keep the option open.

Nathan Modlin, resident of Oregon City, said tradition and legacy were important to long-term residents like his family. The Willamette Falls were part of the reason his family had lived here so long. It was the wish of many Oregon City families that the falls remain a source of recreation, education, and economic success while paying homage to the traditions of the people who lived here before us. A whitewater park would be good for fish, trees, and wildlife; good for humans as a source of healthy activities; and good for future generations as an educational center and place to experience the falls firsthand. It would expand the number of living wage jobs and would honor the history and traditions of past generations. He supported the option being allowed to continue.

Duane Felix, resident of Oregon City, had received a letter about his shed which had a metal roof that was no longer acceptable. In March of 2013 he had discussed putting a metal roof over the shed structure with the City and got approval. He was willing to put a wooden fence around it, but it would not meet the fence height requirement where they could not see it.

Ms. Terway would look into the issue. Code had been adopted that stated membrane structures, including both fabric and metal, that were visible in the right-of-way had to be removed by January 1, 2011. The City had received 37 complaints regarding membrane structures in the last 30 days which was unusually high. There was no grandfathering in any of these structures.

Curtis Degner, resident of Oregon City, also received a letter regarding his RV structure. It was there when he bought his home a few years ago and he had paid more for the home because it had this metal structure. It could be seen from the street and was installed in 2008 and he purchased the house in 2013. It would not be an easy structure to remove.

Ms. Terway would also look into this issue.

3. [16-448](#)

Planning File LE-16-0001 - Adoption of Time, Place and Manner Regulations for Marijuana Businesses.

Vice Chair McGriff opened the public hearing.

Pete Walter, Planner, presented the staff report. He discussed the State laws and bills regarding marijuana. Measure 91 passed in Oregon City 52% to 47% and under State law the City was permitted to temporarily ban recreational and medical marijuana businesses provided a measure was submitted to the voters. The measure would be on the November ballot. The temporary ban allowed time to draft time, place, and manner regulations. If the voters lifted the temporary ban, these regulations would go into effect. He explained what reasonable regulations were. The proposed regulations would not apply to personal cultivation and use of recreational marijuana provided those activities were done indoors. He reviewed the definitions that would be included in the code, the legislative review process and criteria, the public process since May 2016 to the present, surveys that were conducted, survey summary, and zoning. Retailers and dispensaries would be prohibited in residential zones or abutting any residential zones except if it was located on a corridor. Retailers and dispensaries were not allowed within 250 feet of any public parks, licensed child care and day care facilities, and public transit centers and they were not allowed within 1,000 feet of a public, private, or parochial elementary and secondary school. He showed what these buffers would look like on maps, showing where these facilities would and would not be allowed. These facilities would be permitted in retail use zones and in zones that already had limitations on retail. Production would be prohibited in all zones except for General Industrial. Processing was prohibited in all the residential zones, all mixed use corridor, and commercial zones. It was permitted in General Industrial, Mixed Use Employment, and Campus Industrial. Wholesaling would be prohibited in all residential zones, mixed use corridor, and commercial zones and would be permitted in General Industrial, Mixed Use Employment, and Campus Industrial. Regarding standards of operation, these facilities needed to be in compliance with other laws, would be in good standing with OLCC and OHA, no portion of any business would be conducted outside, and the hours of operation would be in accordance with OLCC and OHA. Any businesses that would produce an odor would have an odor control system, doors and windows would remain closed, secure disposal was required, the business could not have a drive-through or walk-up, and they needed to show proof of security with OLCC. He then explained the State tax revenue from recreational marijuana. Medical marijuana was not being taxed. The funds would go to the common school fund, mental health, alcoholism, and drug service account, State police, cities for local law enforcement, counties for local law enforcement, and Oregon Health Authority for alcohol and drug abuse prevention, early intervention, and treatment. The disbursement to the cities was currently based on population, but after July 2017, it would change to be based on the number of licenses. A local sales tax could also be imposed up to 3%, which had to be approved by the voters. This tax was also on the November ballot. He entered the testimony from Dr. Kendall Evans, summary of the Planning Commission Work Session from July 11, 2016, revised draft map of potential retail locations, revised draft map of potential retail locations with buffers, and Mr. Walter's PowerPoint presentation into the record. He read the correction to the definition of a marijuana business. In proposed Chapter 17.54.110 subsections 3 and 4 there was incorrect reference to sections 6, 7, and 8. Staff recommended approval of these text amendments.

Doug Neeley, resident of Oregon City, was on the board of Oregon City Together, an organization dedicated to reducing substance abuse. He distributed a pie diagram showing the substance abuse of youth. He thought the 1,000 foot buffer from schools was not enough and did not include Clackamas Community College. Many under-age students attended classes at the college and there was a daycare on campus. He thought there should be an additional 1,000 foot buffer around the college.

Kendall Evans, resident of Oregon City, did an evaluation of Clackamas County

marijuana regulations and came up with 15 corrections that needed to be made. Regarding ventilation, all the air inside a grow facility needed be filtered for carcinogens and heavy metals.

Mr. Walter said the City would defer to OLCC and OHA for compliance with those standards.

Dr. Evans said OLCC and OHA had not done the proper testing for those elements and baseline studies needed to occur. Regarding waste management, businesses did not know what to do with the waste due to the chemical compounds in it. It could not be given to animals and it could not be composted or burned or hauled away. He encouraged the City to look at what Lake Oswego had done with their regulations. He thought there should be a larger buffer between retail facilities and parks. He thought it should be at least 500 feet. He discussed what Duschutes County did and thought Clackams County should have similar regulations. He thought there should be a general liability policy for grow facilities. He recommended hiring a part time industrial hygenist to help them through the codes.

There was discussion regarding the sources of information that could be found on these topics for further review.

Eric Nelson, resident of Oregon City, said many states were preparing to legalize marijuana and a number of studies had been done looking at safety issues. The federal government was looking at having marijuana as a Schedule 1 to a Schedule 2. The overall tax benefits would be beneficial to the City. He thought the proposed zoning was appropriate and he hoped the City did not pass up the opportunity. The Police Department would have more time chasing down bigger issues.

Ian Watson, resident of Portland, said his family owned a marijuana dispensary. He thought the City was doing a good job balancing local needs with those of OLCC and not wasting resources or duplicating regulations. He encouraged the Commission to visit his store to see how it functioned.

Vice Chair closed the public hearing.

Commissioner Geil thought personal grows should be allowed outside. These regulations were for businesses, not personal grows, and he did not think the regulation on personal grows should be included.

Commissioner Henkin thought cigarettes and alcohol were more harmful than marijuana. He agreed there should be a buffer around the college, however he did not think there needed to be a buffer around parks. **It was already illegal to smoke in a public park, and if there was a problem it could be enforced by the police. The enemy to youth was hard drugs and they needed to create channels where people were not getting marijuana illegally when they were the right age.**

Commissioner Mahoney discussed unintended consequences. He was concerned about what it would mean for police enforcement and the message they were sending youth. Down the road they would be sorry about this decision. He had no problem with medical marijuana, but not recreational. He thought the proposed zoning would work, but wanted more time to think about it.

Vice Chair McGriff wanted to know what the County and other nearby cities were doing for marijuana regulations. She thought a buffer should be established around the college. She was not in favor of allowing personal cultivation outdoors.

There was consensus to add a 1,000 foot buffer around the college, to continue the hearing, and to have staff come back with an alternative that allowed outdoor personal cultivation with setbacks.

to continue Planning File LE-16-0001 - Adoption of Time, Place and Manner Regulations for Marijuana Businesses to August 8, 2017. The motion passed by the following vote:

Aye: 3 - Tom Geil, Robert Mahoney and Zachary Henkin

Nay: 1 - Denyse McGriff

4. Communications

Ms. Terway said there was a vacancy on the Urban Renewal Commission and applications were due by July 29. She gave an update on the Cove project. There would be a groundbreaking ceremony on July 27. National Night Out would be on August 2. She gave an update on three LUBA cases. Oral argument for the hospital case was given last week and a final decision would be given on August 15. The record for the Beavercreek Road Concept Plan was being settled. The record was still being settled for the Comprehensive Plan amendment and zone change for the property near Beavercreek and Highway 213. Pete Walter had received a service award for his 10 years of working for the City. Photos of the Community Development Department were taken and would soon be posted on the City's website. The Concerts in the Park were well attended. The Library would reopen on July 27.

5. Adjournment

Vice Chair McGriff adjourned the meeting at 9:10 PM.



City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Meeting Minutes - Final

Planning Commission

Monday, August 8, 2016

7:00 PM

Commission Chambers

1. Call to Order

Chair Kidwell called the meeting to order at 7:05 PM.

Present: 5 - Charles Kidwell, Tom Geil, Paul Espe, Denyse McGriff and Damon Mabee

Absent: 2 - Robert Mahoney and Zachary Henkin

Staffers: 2 - Laura Terway and Pete Walter

2. Public Comments

There were no public comments on non-agenda items.

3. Public Hearings

3a. [PC 16-082](#)

Planning File LE-16-0001 - Adoption of Time, Place and Manner Regulations for Marijuana Businesses and Personal Cultivation.

Chair Kidwell opened the public hearing.

Pete Walter, Planner, presented the staff report. He reviewed what was discussed at the last Planning Commission meeting. Some issues that came up were personal outdoor cultivation with the direction for staff to draft regulations to allow personal cultivation outdoors, adding a 1,000 foot buffer around Clackamas Community College, and questions regarding what other jurisdictions did. Regarding personal outdoor cultivation, the concerns had to do with sight, smell, trespass, theft, and attractive nuisance. There was also a desire to follow the intent of State law to allow personal use and not regulate it. Staff proposed to allow personal outdoor cultivation per State law up to four plants per residence out of public view with a 10 foot setback that would be measured from the property line to the edge of the plant. If odor rose to the level of a nuisance, it could be pursued as a Code violation. Regarding the 1,000 foot buffer around the college, the concern was that there were students under 21 attending the college and could be influenced by the proximity of retail marijuana facilities close to the college. The 1,000 foot buffer was the same as what would be applied around an elementary or secondary school. Retail uses would be prohibited in all residential zones, abutting any residential zone unless the tax lot abutted a major street, prohibited within 250 feet of any public parks, licensed childcare or daycare facilities, and public transit centers, and prohibited within 1,000 feet of any public, private, or parochial elementary or secondary school and Clackamas Community College. He then showed a map of retailer permitted areas. Producers would be prohibited in all zones except for General Industrial. Wholesalers and Processors would be prohibited in all residential zones and all mixed use corridor and commercial zones. They would be permitted in General Industrial, Mixed Use Employment, and Campus Industrial zones.

There was discussion regarding adding a regulation that no marijuana businesses would be allowed within the waterways.

Mr. Walter discussed the proposed standards of operation. Marijuana businesses would have to be in compliance with other laws, would have to maintain registration compliance with State law, no portion of any marijuana business would be conducted outside, the hours of operation would be in compliance with OLCC or OHA, and the business would have an odor control system designed by a licensed mechanical engineer. The standard for judging an odor problem would be that of an average reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor was made and detected. Doors and windows would remain closed except for the minimum time required for egress and ingress, there would be secure disposal of remnants and byproducts, there would be no drive through or walk up window, and they would maintain all of the applicable OLCC security requirements. He then described what Portland, Gladstone, Lake Oswego, Milwaukie, and West Linn were doing for marijuana regulations. Staff recommended approval of the Code amendments.

There was discussion regarding these businesses meeting Business License regulations.

Doug Neeley, resident of Oregon City, was representing Oregon City Together. He had put forward the recommendation for a buffer around the college due to the number of high school students who took classes at the college. Those who rode school buses had to live at least a mile away, and there was potential for students to be walking by dispensaries to and from school at just 1,000 feet. He suggested the Commission consider adopting Lake Oswego's buffers, which were 1,500 feet from schools and 500 feet from daycares.

Commissioner Mabee said Lake Oswego also had a 1,000 foot separation between marijuana retailers. He thought that would be an equitable compromise so students would only be passing one retailer as opposed to several.

Mario Mamone, resident of West Linn, was a dispensary owner in Clackamas County. The City of Fairview was being sued for banning medical marijuana grows as there was no law that allowed cities to ban them. The odor issue had been settled in the appeals court who had stated that the smell of marijuana was not an offensive odor. Just because people did not like it, that did not make it an offensive odor. He suggested the Commission rethink the odor nuisance regulation as it might be something that ended up in court. He discussed the medical marijuana growers and patients in Oregon City. He wanted to make sure they were being represented fairly. To minimize access to their medicine was not right or responsible. The Commission would be forcing them to go someplace else to get their medicine and many were low income who did not have the means to go somewhere else. These people had medical reasons to use the marijuana and they should not be denied their medicine. The Commission needed to allow these businesses to succeed in Oregon City.

Mr. Walter said there would be a City Commission Work session on these regulations on August 9 and the first City Commission public hearing would be August 17.

Chair Kidwell closed the public hearing.

There was discussion regarding the retail permitted areas map and mixed use employment areas.

Commissioner Mabee was concerned about allowing retailers in the Canemah National Historic District. He thought it should be excluded as it was a special place and needed extra protection.

Commissioner Espe said it seemed where the retailers were allowed were in far flung areas of the City and not conveniently located or easily accessible. He wanted to make sure Canemah Park was listed on the buffer map and wanted to know what the effect of a larger buffer would be as proposed by Mr. Neeley. He wanted to make sure children were being protected, the buffers were adequate, and that these facilities were centrally located.

Mr. Walter stated adding another 500 feet to the buffer would further shrink the available areas. *The impact on children had been heavily discussed. Staff thought the buffers proposed were adequate and an additional 500 feet would not do that much more.*

Commissioner McGriff said not every community needed to have everything someone might want. Because of the nature of this particular retail product, there were additional regulations. People might need to drive further to get what they wanted. She thought Mr. Neeley had a sound basis for his suggestions. She was concerned about odor and how it affected residents. Some people had respiratory problems and to her it was a health hazard. She questioned if a ten foot setback for personal cultivation outdoors was adequate. She did not want people to be prohibited from using their property due to what someone was growing in their backyard. She thought personal cultivation should be indoors only.

Commissioner Geil did not think it would be a nuisance to have personal cultivation outdoors. He was allergic to pollen from plants next door to him and he did not tell his neighbor what they could or could not grow. He thought people should have the freedom to grow what the State allowed. This plant had a short growing season in this area.

Commissioner McGriff said it would depend on the market, but she did not think there would be a mad dash to fill every retail vacancy with a marijuana business.

Chair Kidwell did not think they were preventing the opportunity for these businesses with these regulations. He was opposed to having personal cultivation outdoors due to possible theft of the plants.

Commissioner Mabee thought if there was a problem with theft, people would stop planting marijuana outdoors or move the plants to a more secure location.

Commissioner Espe did not have a problem with personal cultivation outdoors as it would be a minimal impact.

There was consensus not to increase the 1,000 foot buffer to 1,500 feet, to require a 1,000 foot separation between marijuana businesses, to prohibit retailers in the Canemah Historic District, and to allow outdoor personal cultivation and that a 10 foot setback was not necessary, but plants should not be visible from public view.

A motion was made by Commissioner Geil, seconded by Commissioner Mabee, to approve Planning File LE-16-0001 - adoption of time, place and manner regulations for marijuana businesses and personal cultivation as amended. The motion carried by the following vote:

Aye: 4 - Tom Geil, Paul Espe, Denyse McGriff and Damon Mabee

Abstain: 1 - Charles Kidwell

4. Approval of the Minutes

4a. [16-454](#)

Approval of Planning Commission Minutes for May 18, 2015, June 8, 2015, August 24, 2015, September 14, 2015 and September 28, 2015.

A motion was made by Commissioner McGriff, seconded by Commissioner Espe, to approve the May 18, 2015 minutes. The motion carried by the following vote:

Aye: 5 - Charles Kidwell, Tom Geil, Paul Espe, Denyse McGriff and Damon Mabee

Commissioner McGriff said she had declared a visit to the Moss campus site, but it was not noted in the minutes.

A motion was made by Commissioner McGriff, seconded by Commissioner Mabee, to approve the June 8, 2015 minutes as amended. The motion carried by the following vote:

Aye: 5 - Charles Kidwell, Tom Geil, Paul Espe, Denyse McGriff and Damon Mabee

A motion was made by Commissioner Mabee, seconded by Commissioner McGriff, to approve the August 24, 2015 minutes. The motion carried by the following vote:

Aye: 5 - Charles Kidwell, Tom Geil, Paul Espe, Denyse McGriff and Damon Mabee

A motion was made by Commissioner Espe, seconded by Commissioner McGriff, to approve the September 14, 2015 minutes. The motion carried by the following vote:

Aye: 5 - Charles Kidwell, Tom Geil, Paul Espe, Denyse McGriff and Damon Mabee

A motion was made by Commissioner Geil, seconded by Commissioner McGriff, to approve the September 28, 2015 minutes. The motion carried by the following vote:

Aye: 5 - Charles Kidwell, Tom Geil, Paul Espe, Denyse McGriff and Damon Mabee

5. Communications

Laura Terway, Community Development Director, said the City was submitting an application for an equitable housing grant. Mr. Walter stated the City was requesting \$90,000 to look at potential changes to the City's codes and processes and to look at incentives and options for equitable housing. An advisory committee would be set up to give input on this issue as well.

There was consensus to pursue the grant.

Ms. Terway explained the upcoming Planning Commission meeting agenda items. The August 22 and September 12 meetings were cancelled. She then discussed recent issues regarding membrane structures and the proposal to streamline some applications to be Type 1 reviews.

Commissioner McGriff asked about regulations for short term rentals such as air b&b's. Ms. Terway clarified the regulation was in all residential zones if a place was rented out for less than 30 consecutive days it required a Conditional Use Permit. If it

*was rented for 30 or more consecutive days it did not require a Conditional Use.
There were not any bed and breakfasts or boarding houses in the City.*

6. Adjournment

Chair Kidwell adjourned the meeting at 9:18 PM.



City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Meeting Minutes - Final

City Commission

Dan Holladay, Mayor
Rocky Smith, Jr., Commission President
Brian Shaw and Renate Mengelberg

Tuesday, August 9, 2016

5:30 PM

Commission Chambers

Work Session - REVISED

1. Convene Work Session and Roll Call

Mayor Holladay called the meeting to order at 5:40 PM.

Present: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

Staffers: 9 - Tony Konkol, Public Works Director John Lewis, Community Development Director Laura Terway, Human Resources Director Jim Loeffler, Economic Development Manager Eric Underwood, Police Chief and Public Safety Director James Band, City Recorder Kattie Riggs, Assistant City Attorney Carrie Richter and Pete Walter

2. Future Agenda Items

Mayor Holladay wanted to revisit the issue of the Commission's participation in the Regional Wastewater Treatment Capacity Advisory Committee.

3. Discussion Items:

3a. History of Regulating Membrane (Fabric and Metal) Residential Accessory Structures

Laura Terway, Community Development Director, said several Code Enforcement complaints had been received regarding membrane structures. Membrane structures were accessory buildings used for storage and she explained per Municipal Code that the structures were not allowed if they were visible in the right-of-way. This standard was adopted in 2011 and it was retroactive, did not allow for grandfathering, and these structures had to be removed in six months. She gave a history of how the Code had been changed and the adoption process for the changes that occurred in 2011. She then explained the reasons for the regulation and public outreach that was done. Some of the concerns from the public were these structures had permits, there were a variety of structure types, the cost, lack of proactive enforcement, and there were no complaints from nearby properties. She gave a history of Code Enforcement actions and how there had not been a lot of violations in the past, but several came forward in June as one person complained about 35 structures. The standards could not be ignored as they were in the City's Code, however the Code could be changed through a legislative application. The reason the Code was retroactive was these structures were temporary in nature and it was difficult to distinguish what was in good repair and what was in poor repair.

Mayor Holladay thought it was unfair to put something like this in place and not

grandfather those who already had the structures at least until property ownership changed.

Frank O'Donnell, resident of Oregon City, read his prepared testimony. He thought this was a well-intentioned piece of legislation, but had some unintended consequences. Mr. O'Donnell thought these were not temporary structures. He did not think this should be retroactive as it disregarded previously made land owning decisions and choosing building sites. The Code did not focus on the root cause of the problem, which was nuisances created by solid waste and junk. It identified the structure as the thing to be controlled. The focus of the Code was cosmetic in nature and not health and safety. These structures could withstand weather and the elements and many were properly anchored. The life expectancy was 30-50 years. Similar structures existed in the Oregon City maintenance yard, parks, schools, gas stations, storage sheds, and the End of the Oregon Trail. The Code did not differentiate between a properly installed anchored structure located behind fences and front property lines and unanchored insufficiently restrained structures in front of residences that might go tumbling down in the wind. Many of these structures were multi-use and membrane construction was recognized and widely used. He suggested grandfathering in existing structures, possibly opening up a free registration period for owners of existing structures to record their structures, and refining the existing Code with a focus on public health, safety, and welfare which was the proper role of government.

Mike Crawford, resident of Oregon City, passed around some pictures of his structure. In 1988 he put in a carport and the structure was still up and was on the back of his property. There were ordinances against a fence height that would block it. He would like to see these types of structures grandfathered.

Teresa Hayworth, resident of Oregon City, thought the intent of the Code was not safety related, but more associated with aesthetics. There were many structures that were visible in her block and she did not usually notice them. They were anchored down and in good condition and a lot were made from aluminum which lasted a long time. She thought they were more permanent structures, were expensive, and were well maintained. The structures had become part of their properties and she would like to have the freedom to keep hers.

Brian Gibson, resident of Oregon City, said his structure was used to cover an investment. It was put up prior to the Code change and it would create a hardship to take it down. He would like it to be grandfathered in or come up with a compromise.

Jeanette Kmetc, resident of Oregon City, bought her house in 2003 and she had a metal structure that was barely visible from the street. It was pre-existing to the Code change and she hoped it could be grandfathered as she did not want to have to take it down.

Mayor Holladay thought grandfathering was a valid concern. He suggested holding in abeyance any further Code Enforcement action until staff came back with a recommendation to the Commission.

Carrie Richter, City Attorney, said staff needed to look at where the Code Enforcement actions were in the process. The Commission could also start the process for amending the Code.

Jim Band, Police Chief, stated for these types of issues, the City worked with everyone and gave them time to comply. He did not think abeyance was necessary and the Commission could change the policy as they desired.

Mayor Holladay asked staff to bring back a recommendation to the City Commission for possible options in September. Mr. Konkol said if the Commission wanted to look at this Code, staff would take that into consideration as far as Code Enforcement was concerned.

3b. Time, Place and Manner Regulations for Marijuana Businesses and Personal Cultivation

Pete Walter, Planner, said the Planning Commission held a public hearing on marijuana business regulations and they forwarded the regulations to the City Commission with some amendments. He discussed the State laws and bills that had been passed regarding marijuana, current City policy which was a temporary ban until the November vote, public outreach, web based survey results, zoning, school, transit, city parks, and childcare buffers, where retail/dispensaries were permitted and how they were prohibited in residential zones, producer permitted areas, wholesaler permitted areas, and proposed standards of operation.

Mayor Holladay wanted to make sure they were fair in regard to where these uses were prohibited and the buffers required. He thought there needed to be more clarity on outdoor storage and the ability to load and unload product.

Mr. Walter said the Planning Commission held two public hearings on this issue. Some of the concerns were outdoor vs. indoor personal cultivation, odor nuisance, Land Use Compatibility Statement process, business license process, 1,000 foot buffer around Clackamas Community College, increased school buffer to 1,500 feet, requiring 1,000 foot separation between individual retail uses, and prohibiting retail use in the Canemah National Register District. The amendments recommended by the Planning Commission were: outdoor cultivation for personal grows would align with State law, there should be a minimum of 1,000 square feet between retail uses, and retailers would not be allowed in the Canemah District due to compatibility. He then discussed what other cities were doing in regard to marijuana regulations and discussed the tax revenue that would be dispersed by the State. A City Commission public hearing was scheduled for August 17, 2016.

There was discussion regarding the buffers and possibly limiting the number of retailers allowed in the City. There was further discussion regarding the Planning Commission's concerns.

Commissioner Mengelberg recommended using the boundary of the College as the buffer.

Tom Geil, resident of Oregon City, explained the Planning Commission's deliberations on this issue. It took a lot of compromise and he thought they had come up with the best solutions. Going with what the State said for personal grows was a compromise. The Clackamas Community College buffer was due to minors being on the campus and there needed to be more protections. The reason there was only one liquor store in the City was because it was based on population.

Mayor Holladay had an issue with adding a 250 foot buffer around parks. He did not see the marijuana facilities as different from a convenience store except that they could only do business in cash. He did not think a buffer would prevent kids from seeing the stores. The 1,000 foot buffer from schools was enough. He hesitated to single out the Canemah District for excluding marijuana businesses.

Commissioner Smith thought there should be a park buffer. He thought the buffer around the college should match the buffer around the high school. He was unsure

about the Canemah District issue.

There was discussion regarding what other cities did regarding park buffers.

Commissioner Mengelberg thought if the Canemah District felt strongly about not wanting it in their area, she would respect that. It seemed like a good place for it from a business standpoint.

Mr. Konkol had a concern regarding the security of the outdoor personal grows as well as impacts to neighbors.

There was discussion regarding crime surrounding marijuana, livability, and keeping it away from children.

Mr. Walter said the odor issue would be handled by Code Enforcement. The outstanding issues were the 1,000 foot buffer around the college, prohibiting retail use in the Canemah District, requiring a 1,000 foot separation between retail uses, and staff would come back with a map indicating removal of the 250 foot buffer for parks, day care facilities, and transit centers to show what it meant for retail sites. Staff would also work on the regulation for maneuvering and transporting the product without violating the outdoor storage regulations.

4. City Manager's Report

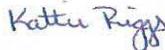
Mr. Konkol would be on vacation August 18-23, 2016.

Mr. Lewis said the paving on Molalla Avenue and Singer Hill had been put off due to the weather, but was going to start tomorrow, August 10, 2016.

5. Adjournment

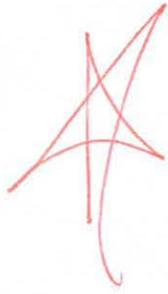
Mayor Holladay adjourned the meeting at 7:54 PM.

Respectfully submitted,



Digitally signed by Kattie Riggs
DN: cn=Kattie Riggs, o=City of
Oregon City, ou=City Recorder,
email=ktriggs@orcity.org, c=US
Date: 2016.09.23 15:40:39 -0700

Kattie Riggs, City Recorder



City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Meeting Minutes - Final

City Commission

Dan Holladay, Mayor
Rocky Smith, Jr., Commission President
Brian Shaw and Renate Mengelberg

Wednesday, August 17, 2016

7:00 PM

Commission Chambers

1. Convene Regular Meeting and Roll Call

Mayor Holladay called the meeting to order at 7:00 PM.

Present: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

Staffers: 9 - Tony Konkol, Assistant City Attorney Carrie Richter, City Recorder Kattie Riggs, Police Chief and Public Safety Director James Band, Public Works Director John Lewis, Economic Development Manager Eric Underwood, Pete Walter, Community Development Director Laura Terway and Library Director Maureen Cole

2. Flag Salute

3. Ceremonies, Proclamations, and Presentations

3a. Proclamation for the 96th Oregon City / West Linn Rivalry Day

Mayor Holladay read the proclamation declaring September 2, 2016, as the 96th Oregon City / West Linn Rivalry Day.

Commissioner Shaw announced the Optimist Club Breakfast on August 30, 2016.

3b. Transportation Advisory Committee Annual Report for 2015

Bob La Salle, Chair of the Transportation Advisory Committee, presented the Transportation Advisory Committee Annual Report for 2015. He discussed the accomplishments of the Committee including the Carnegie Library project and new traffic patterns during construction, Linn Avenue/Leland Road/Meyers Road roundabout, Pavement Maintenance Utility Fee Five Year Plan, tracking system for the condition of City signs, Drive Safe Oregon City Campaign, South End Road and Hazel Grove Drive crosswalk, improved communications with City departments and other organizations, presentations on the Parks Master Plan and parks projects, Hospital Master Plan, and speedbump, crosswalk, and stop sign requests.

3c. Public Works Stormwater and Grading Design Standards Update

John Lewis, Public Works Director, said the City had updated the stormwater and grading design standards last year and staff was continuing to monitor the implementation of the standards. As land developed more impervious areas were created and how the City managed stormwater was through low impact development such as rain gardens and rain barrels which encouraged on site storage. The

standards helped in the implementation and maintenance of these systems. Most of the current new development had already been approved through the land use process before adoption of the standards. However all new applications would be using them. He did not think it would impact the development community.

4. Citizen Comments

Bob Mahoney, resident of Oregon City, discussed the whitewater park and how it had not gone to the Planning Commission as a land use application. These types of proposals needed to follow the process especially if public funds were going to be used. Anyone who appeared before the City Commission with an intent to get an endorsement without public participation and a record being established was not going through the correct process. This was a complicated project and they had to protect the public process.

5. Adoption of the Agenda

The agenda was adopted as presented.

6. Public Hearings

6a. Request to Continue: Annexation Request of Approximately 0.46 Acres of Property Located at 19358 S. Columbine Court into the City (Annexation File AN-16-0001)

Laura Terway, Community Development Director, said staff was requesting a continuation of this annexation hearing to September 7, 2016.

There was no public testimony.

A motion was made by Commissioner Smith, seconded by Commissioner Mengelberg, to continue the annexation request of approximately 0.46 acres of property located at 19358 S. Columbine Court into the City (Annexation File AN-16-0001) to September 7, 2016. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

6b.

Time, Place and Manner Regulations for Marijuana Businesses and Personal Cultivation (Planning File LE-16-0001)

Ms. Terway said there was a measure on the November ballot asking if voters wanted marijuana associated businesses in the City as currently they were not allowed. Staff was proposing time, place, and manner regulations should the measure pass.

Pete Walter, Planner, said this application would amend the existing zoning code to allow these businesses. All of the previous items had been entered into the record except the survey results which he then entered into the record. He explained the public process that was done and discussed zoning that showed where the marijuana businesses could be located. No marijuana businesses were allowed in residential, retail businesses would be allowed in mixed use and commercial, and most uses were allowed in industrial and employment. Grow sites had to be indoors. This did not apply to personal cultivation, where people could grow up to four plants for personal use. The Planning Commission recommended approval of the application with a few questions for the City Commission to decide. The first was should there be a 1,000

foot separation from Clackamas Community College for marijuana retailers? This would have a large effect on where retailers could be located in the City and Mr. Walter showed maps of the different buffer scenarios and possible locations for retailers. The next question was should the City require a 250 foot separation from public parks, licensed childcare and daycare facilities, and public transit centers for marijuana retailers? Mr. Walter gave examples of the effect on the amount of retail that would be allowed in those scenarios. The next question was should there be a 1,000 foot separation between marijuana retailers? This was not a requirement for any other type of retail use and with this separation there would be 25 possible retail sites available in the City. Another question was should marijuana retailers be prohibited in the Canemah Historic District? Since it was a mixed use zone, staff recommended that retailers be allowed. Regarding outdoor business use, it was not allowed except for temporary ingress and egress of vehicles, persons, and materials associated with the permitted use. The last question was should personal outdoor cultivation be permitted? There were concerns about theft and trespassing and smell and odor complaints. He was asking for Commission guidance on these items. The president of Clackamas Community College submitted a letter in favor of the 1,000 foot buffer around the college.

Mayor Holladay opened the public hearing.

Mike Albin, resident of Oregon City, urged the City Commission to follow the Planning Commission's recommendations regarding the buffers around Clackamas Community College and daycare centers. The churches were not on the maps, and he thought having a buffer around churches would be a good idea.

Doug Neeley, resident of Oregon City, was representing Oregon City Together who educated youth about substance abuse. He thought if there was a buffer from schools there should be a buffer from parks. The reasons for the 1,000 foot buffer around Clackamas Community College were there were a lot of people under 21 who were attending the college, high school students were attending classes at the college, and the more marijuana businesses that were in the City the more it was likely that marijuana would be sold to youth. He had a child who became a heroin addict and had started using it in high school and her gateway drug was marijuana. He also had a grandson who became a heroin addict and his gateway drug was also marijuana. They were no longer addicts but their experiences as addicts would be with them for the rest of their lives.

Paige Hirt, program director for Oregon City Together, said she was a parent with a recent graduate of Oregon City High School and had two younger boys. She was concerned about marijuana use increasing as the perception of harm was decreasing. The perception of harm would begin to change when it was normalized in the community and culture. Youth needed to understand use of these substances were not good for developing brains and seeing signage and advertisements for marijuana or availability of marijuana where kids frequent normalized it and reduced the perception of harm. She was in favor of the buffers recommended by the Planning Commission as they put youth and the health of the community first.

Christopher Lane, resident of Milwaukie, was attending Gardiner Middle School. He thought there should be bigger buffer zones around daycares, schools, parks, and between dispensaries. The more dispensaries there were, more youth would use marijuana as they would think it was normal and they could become addicts or suffer brain damage. They needed to worry less about profit and more about the City. Kids needed to be exposed less to marijuana.

Mayor Holladay closed the public hearing.

Mayor Holladay said there was a vote coming up in November regarding marijuana retail sales being allowed in the City. If the citizens said they wanted marijuana retailers, they had to view this fairly as other businesses. Marijuana already had a lot more regulations than other retail businesses and the Code discussion had to be separate from whether or not marijuana should be allowed. He wanted the fairest application of the Code to the business community as a whole.

There was discussion regarding the 1,000 foot buffer around Clackamas Community College.

Commissioner Mengelberg had originally questioned whether the buffer was too much and based on the letter from the college and public testimony received, she was now convinced that a 1,000 foot buffer around the college was the right decision.

Commissioner Shaw agreed that the recommendation should be upheld as there would only be more youth attending classes at the college. Marijuana was still illegal federally and different from other businesses. He thought the east buffer should end at Beavercreek Road and not cross over the road.

Commissioner Smith did not think there could be an exception for Beavercreek Road. He thought the buffer should remain at 1,000 feet as all other schools. There were many students that went back and forth between the high school and college campuses and it made sense that all the schools were consistent.

Mayor Holladay thought a lot was being read into a storefront sign. He had visited marijuana retail stores to see how they operated and he thought several security measures were in place. He did not see a reason to go beyond what was required by the State legislature.

Commissioner Mengelberg thought it was easier to be restrictive first and loosen some of the requirements as needed.

A motion was made by Commissioner Smith, seconded by Commissioner Shaw, to support a 1,000 foot buffer around Clackamas Community College. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Commissioner Rocky Smith and Commissioner Renate Mengelberg

Nay: 1 - Mayor Dan Holladay

There was discussion regarding 250 foot separation from public parks, licensed childcare and daycare facilities, and public transit centers for marijuana retailers.

Commissioner Shaw, Smith, and Mengelberg agreed with the Planning Commission's recommendation for these buffers.

A motion was made by Commissioner Smith, seconded by Commissioner Mengelberg, to support a 250 foot separation from public parks, licensed childcare and daycare facilities, and public transit centers for marijuana retailers. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Commissioner Rocky Smith and Commissioner Renate Mengelberg

Nay: 1 - Mayor Dan Holladay

There was discussion regarding a 1,000 foot separation between marijuana retailers.

Commissioner Shaw was in agreement as there were 25 sites available for retailers even with this buffer.

Mayor Holladay did not think there would be 25 marijuana retailers in the City. He did not have an issue with this buffer.

A motion was made by Commissioner Shaw, seconded by Commissioner Smith, to support a 1,000 foot separation between marijuana retailers. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

There was discussion regarding prohibiting marijuana retailers in the Canemah Historic District.

Commissioner Mengelberg did not think Canemah should be singled out for separate treatment than anywhere else in the City. She was not in favor of imposing this restriction.

Commissioner Smith discussed the results of the online survey regarding retail locations. Where these facilities were located was important, especially as tourists and residents were driving to certain destinations. He thought due to the buffers around parks, it took out locations like the McLoughlin neighborhood and downtown. The most important assets were the historic neighborhoods and he was in favor of the restriction on the Canemah District due to the historic value of the neighborhood.

Commissioner Shaw said Canemah was a historically designated area and it was the south entry to the City. He did not think they wanted a marijuana retailer at the entry to the City and agreed with the restriction.

Mayor Holladay agreed with Commissioner Mengelberg and thought the historic designation was not about exterior appearance. He wanted to keep the playing field as level as possible for all businesses. The Canemah business district was not currently attractive, but he supported all of those businesses existing. He did not see a connection between the historic district and this piece of the Code.

Commissioner Mengelberg said from a commerce standpoint the Canemah District was separate because of topography and was on a State highway without schools or parks nearby and she thought it was a good spot to put in a retail store.

Commissioner Smith said in 20 years Canemah would be the center of the most important development in the State.

Mayor Holladay said these regulations could be changed if needed. He did not want to set a precedent of giving the historic district more restrictions.

A motion was made by Commissioner Mengelberg, seconded by Mayor Holladay, to allow retail sales in the Canemah Historic District. The motion failed by the following vote:

Aye: 2 - Mayor Dan Holladay and Commissioner Renate Mengelberg

Nay: 2 - Commissioner Brian Shaw and Commissioner Rocky Smith

A motion was made by Commissioner Mengelberg, seconded by Commissioner Shaw, to support the change to the language that no portion of a marijuana business could be conducted outside except for temporary

ingress and egress of vehicles, persons, and materials associated with the permitted use. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

There was discussion regarding whether or not to allow outdoor personal cultivation of marijuana.

Commissioner Mengelberg was in favor of property rights, but this could be a potentially dangerous attractive nuisance for children. She thought it should only be grown indoors.

Mayor Holladay said the people in Oregon voted in favor of marijuana and there were some who wanted to grow it outside naturally without using any electricity or other resources to produce marijuana for themselves. It could be a financial burden to grow it indoors.

Commissioner Shaw had seen mature plants and they could get big. He thought it was up to the homeowner whether to grow outside or inside. If they grew outside, it would be their choice to deal with it if it became an attractive nuisance that they created.

Tony Konkol, City Manager, discussed how one person's property rights might impact the property rights of those around them. He was worried about the attractive nuisance component.

Mayor Holladay thought if it became a problem, this could be changed.

Jim Band, Police Chief, was worried about putting it on the homeowner to be responsible for making sure kids didn't steal the outdoor plants. There was also potential for robberies and he did not think the cost to grow marijuana inside would be prohibitive. There was a strong potential for neighbors not to feel safe because it was being grown in their neighbor's yard.

Mayor Holladay said it was supposed to be out of public view.

Mr. Konkol said this would come back to the Commission on September 7, 2016.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Smith, to prohibit outdoor personal cultivation on private property and make it indoor only. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Commissioner Rocky Smith and Commissioner Renate Mengelberg

Nay: 1 - Mayor Dan Holladay

7. General Business

- 7f. Resolution No. 16-13, Authorizing Issuance of a Permanent but Revocable Obstruction Permit for Existing and Replacement Fencing within the McKinley Avenue and Promontory Avenue Rights-of-way (ROW)

Mr. Lewis said the Commission asked staff to bring this back as a property vacation, however staff suggested doing a permanent but revocable obstruction permit for the

fence area which was on the City's right-of-way. The property alignment had been in existence for over 40 years and parts of the fence were in need of replacement. The fence served as a landscape boundary and a protective barrier from a drop into Water Board Park. The property owners' use of the right-of-way was consistent with good stewardship of the land that would otherwise be difficult for the City to maintain. It was not on a pathway plan currently, but it could be added in the future. Many neighboring properties were encroaching into the right-of-way. This property had always encroached on the right-of-way as far back as the records went. The County Tax Assessor said taxes were based on the square footage of the lot and they were not currently paying taxes on the right-of-way portion. The value of an encroachment or unimproved right-of-way was a gray area and it was common practice that it happened. The obstruction permit would be revocable and there would be no costs associated with accessing the property in the future and removing the landscaping if needed. Staff recommended adoption of the resolution which would allow the residents to put the fence back in and continue the use of the property. He showed pictures of how other properties in the neighborhood were also encroaching into the right-of-way.

Virginia Harper, property owner, said they bought the house in 2009. After looking up the history, the house was built in 1968 and that was when the fences went in. As far as any neighbor remembered the fences had always been exactly as they were now. There was an area on the other side of the fence before the cliff that they were maintaining. The fence fell down because the wood was too old and it needed to be replaced. They were about 80% finished with the fence before the City came with a stop work order. They were never told that it was right-of-way. There was access on the other side of the fence for fire trucks or other large equipment and they were maintaining that area. They were trying to do the right thing.

Dorothy Dahlsrud, resident of Oregon City, walked Water Board Park on a regular basis and the walking pathway could be accessed on Promontory Avenue and there was a beautiful view from McKinley Avenue. She hoped to see the area of McKinley as part of a trail system. She recently walked by this fence and it did not look like an easement area, but that it was part of people's property. She did not think they should give away property as it was hard to get the property back even though it was a revocable permit.

Denyse McGriff, resident of Oregon City, was a regular user of Water Board Park. The unbuilt public rights-of-way in McKinley and Promontory Avenue belonged to the public even though people were using it. She thought this should be reviewed by the Parks and Recreation Advisory Committee before a decision was made since it was directly adjacent to Water Board Park. They should not vacate this property as a path might be built there one day.

Mr. Lewis thought a revocable permit could be acted upon without issue. It could be taken to PRAC, but it was not currently on the trail plan. He thought it would be good for the property owners to have a decision made that night.

Bill Daniels, resident of Oregon City, said if the Commission allowed this to happen it would set a bad precedent.

Wesley Harper, property owner, said there was access to Water Board Park on McKinley and the fence would not limit that access. They only wanted to replace what was there before and they took the revocable permit seriously that if in the future the property was needed, they would take out the fence.

Commissioner Mengelberg was not in favor of people encroaching into the

right-of-way and thought it made sense to take this issue to PRAC.

Commissioner Smith did not have an issue with the permit as the fence could come down at any time. He thought at the time a trail was planned it could be taken to PRAC. He did not think they should make the property owners wait for an answer.

Commissioner Shaw said the fence had been in place for a long time and the permit was revocable if they needed the property for a trail. He was open to having PRAC look at it as well.

Mayor Holladay discussed how he found himself in a similar situation with a home he had. This was not the only place this was occurring. He thought it was a safety hazard to have people walking there with the cliff and no railing. While this was an issue, this particular situation did not call for not allowing a fence there. He thought the other neighbors who were also encroaching in the right-of-way should have a revocable permit as well.

A motion was made by Commissioner Shaw, seconded by Commissioner Smith, to approve Resolution No. 16-13, authorizing issuance of a permanent but revocable Obstruction Permit for existing and replacement fencing within the McKinley Avenue and Promontory Avenue rights-of-way (ROW). The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Commissioner Rocky Smith and Mayor Dan Holladay

Nay: 1 - Commissioner Renate Mengelberg

7a.

Second Reading of Ordinance No. 16-1006, Adopting a Public Facilities Strategy for the Linn Avenue and Hazelwood Drive Sewer Systems

Mr. Lewis said this ordinance would address the sanitary sewer moratorium that had been ongoing for a couple of years. The Public Facilities Strategy would continue projects that would correct the capacity issues.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Shaw, to approve the second reading and final adoption of Ordinance No. 16-1006, adopting a Public Facilities Strategy for the Linn Avenue and Hazelwood Drive Sewer Systems. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

7b.

Second Reading of Ordinance No. 16-1007, Adopting Amendments to the Oregon City Municipal Code Chapter 17.62, Site Plan and Design Review, and Chapter 17.50, Administration and Procedures

Ms. Terway said staff was proposing adoption of a streamlined process for minor exterior alterations for commercial, industrial, institutional, and multi-family buildings. No criteria or standards would be changed, but the timeline and cost would be reduced.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Smith, to approve the second reading and final adoption of Ordinance No. 16-1007, adopting amendments to the Oregon City Municipal Code Chapter 17.62, Site Plan and Design Review, and Chapter 17.50,

Administration and Procedures. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

7c. Resolution No. 16-23, Amending the Planning Division Fee Schedule to Add Fees for the Newly Created Type I Site Plan and Design Review

Ms. Terway said the Commission had created a Type 1 process for a streamlined review for minor exterior alterations, and there should be a reduced fee. Staff proposed creating two fees depending on the amount of criteria an application had to meet. One fee would be for over the counter reviews and the other fee would be for those requiring more staff time.

A motion was made by Commissioner Shaw, seconded by Commissioner Smith, to approve Resolution No. 16-23, amending the Planning Division Fee Schedule to add fees for the newly created Type I Site Plan and Design Review. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

7d. Resolution No. 16-22, Supporting an Application for the Metro Equitable Housing Planning and Development Grant

Mr. Walter explained the Equitable Housing Grant requirements. The grant money would be used to look at the City's Code for barriers to and incentives for equitable housing, creating a series of maps for housing opportunities, creating educational materials, and developing model housing plans for accessory dwelling units. The grant application was turned in on Friday and other partners had given support. The grant would be awarded in November 2016 and he anticipated the work would take a year to complete.

Commissioner Mengelberg said affordable housing in Oregon City was getting to be a problem and she encouraged implementing some of the early findings or low hanging fruit sooner rather than later. She asked if there was consideration for tiny houses.

Mr. Walter said all options were being looked at.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Smith, to approve Resolution No. 16-22, supporting an application for the Metro Equitable Housing Planning and Development Grant. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

7e. Resolution No. 16-25 Submitting a Proposed Initiative Charter Amendment to the Electors of Oregon City

Kattie Riggs, City Recorder, said there was a citizen initiative that was submitted to the City in April 2015 and since then the number of required signatures had been gathered to put it on the November ballot.

Commissioner Mengelberg wanted to make sure the measure was not retroactive and any money that was spent by the Economic Development Department between now and the election would not be a problem.

Ms. Richter clarified this ballot measure could not take effect until it was voted on and the election results were registered with the Secretary of State. It could not be retroactive.

Mayor Holladay said they were required by law to pass this resolution.

A motion was made by Commissioner Smith, seconded by Commissioner Shaw, to approve Resolution No. 16-25 submitting a proposed initiative Charter amendment to the electors of Oregon City. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

7g. Resolution No. 16-26, Supporting the Clackamas County Seven-year Motor Vehicle Fuel Tax

Tony Konkol, City Manager, said the County had removed the requirement for cities to pass a resolution and IGA in support of the motor vehicle fuel tax on the November ballot. Staff proposed adopting a new resolution to indicate support of the \$.06 tax for a seven year limited term with 40% of the revenue going to all cities divided by population.

Mayor Holladay said since the County decided not to make this mandatory, the cities who were previously opposed agreed to give some support to the County for this measure.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Smith, to approve Resolution No. 16-26, supporting the Clackamas County seven-year Motor Vehicle Fuel Tax. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

8. Consent Agenda

A motion was made by Commissioner Shaw, seconded by Commissioner Smith, to approve the consent agenda. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

8a. Personal Services Agreement (PSA) with Tetra Tech to Provide Engineering Services for the Beaver Creek Road Sanitary Sewer Improvements Project

8b. Management, Supervisory and Confidential Employee Salary Cost of Living Allowance (COLA) Increase FY 2016-17

8c. Restrictive Covenant Non-Remonstrance Agreement for the Bessaly Building Project (Planning File No. SP14-04)

8d. Memorandum of Agreement with Clackamas County and Metro for

Managing the Environmental Protection Agency (EPA) Coalition
Assessment Grant

- 8e. Resolution No. 16-24, Amending ByLaws for the Transportation
Advisory Committee
- 8f. Minutes of the July 6, 2016 Regular Meeting

9. Communications

a. City Manager

Ms. Richter explained the Land Use Board of Appeals affirmed the City of Oregon City's decision in the Providence Willamette Falls Medical Center case. The argument was a number of the Comprehensive Plan policies related to needed housing were not satisfied as the zoning was changed to accommodate the hospital. LUBA thought all of the approval criteria had been met in the findings and the stormwater issues were to be addressed at the development stage, not the land use review stage. There was also a challenge in regard to the Commission and Mayor bias, but LUBA thought the comments were not raised to the level of bias. There were two other outstanding LUBA appeals, one for the Beavercreek Concept Plan and the other for the Historic Properties case.

Mr. Lewis gave an update on the Cove development. They were moving dirt on the site and were implementing erosion control.

Mr. Konkol said a meet and greet at Happy Valley City Hall would be held on September 12, 2016 to discuss important issues in preparation of the legislative session. The Volunteer Recognition event would be held tomorrow. The Willamette Falls vision document won an award from the Waterfront Center.

Maureen Cole, Library Director, discussed and showed pictures of the construction happening at the Carnegie Library building and outdoor landscaping.

b. Commission

Commissioner Shaw visited the Cove construction site, attended the Arts Festival, and invited everyone to the Oregon City/West Linn Breakfast on August 30, 2016 and Concert in the Park tomorrow night. The Clackamas County Fair had started.

Commissioner Mengelberg attended the Wesley Lynn Park event and Arts Festival.

Commissioner Smith attended the celebration of Barclay Hills Park and Oregon Trail Game Race. He announced the Oregon City/West Linn game on September 2, 2016, Pete's Cruise In on September 3, 2016, and the Antique Fair on August 28, 2016.

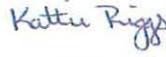
c. Mayor

Mayor Holladay attended the Barclay Hills Neighborhood Association Picnic and Arts Festival. He had been working behind the scenes with the Oregon City Business Alliance and Chamber.

10. Adjournment

Mayor Holladay adjourned the meeting at 9:50 PM.

Respectfully submitted,



Digitally signed by Kattie Riggs
DN: cn=Kattie Riggs, o=City of
Oregon City, ou=City Recorder,
email=kriggs@orcity.org, c=US
Date: 2016.09.23 15:42:18 -0700

Kattie Riggs, City Recorder

EXHIBIT B

Map Legend

- **Red circles represent extent of 1,000' buffer for approved and established marijuana retailers**
- **Green circle represents extent of 1,000' buffer for The Green Planet, if this application is approved**

City of Oregon City

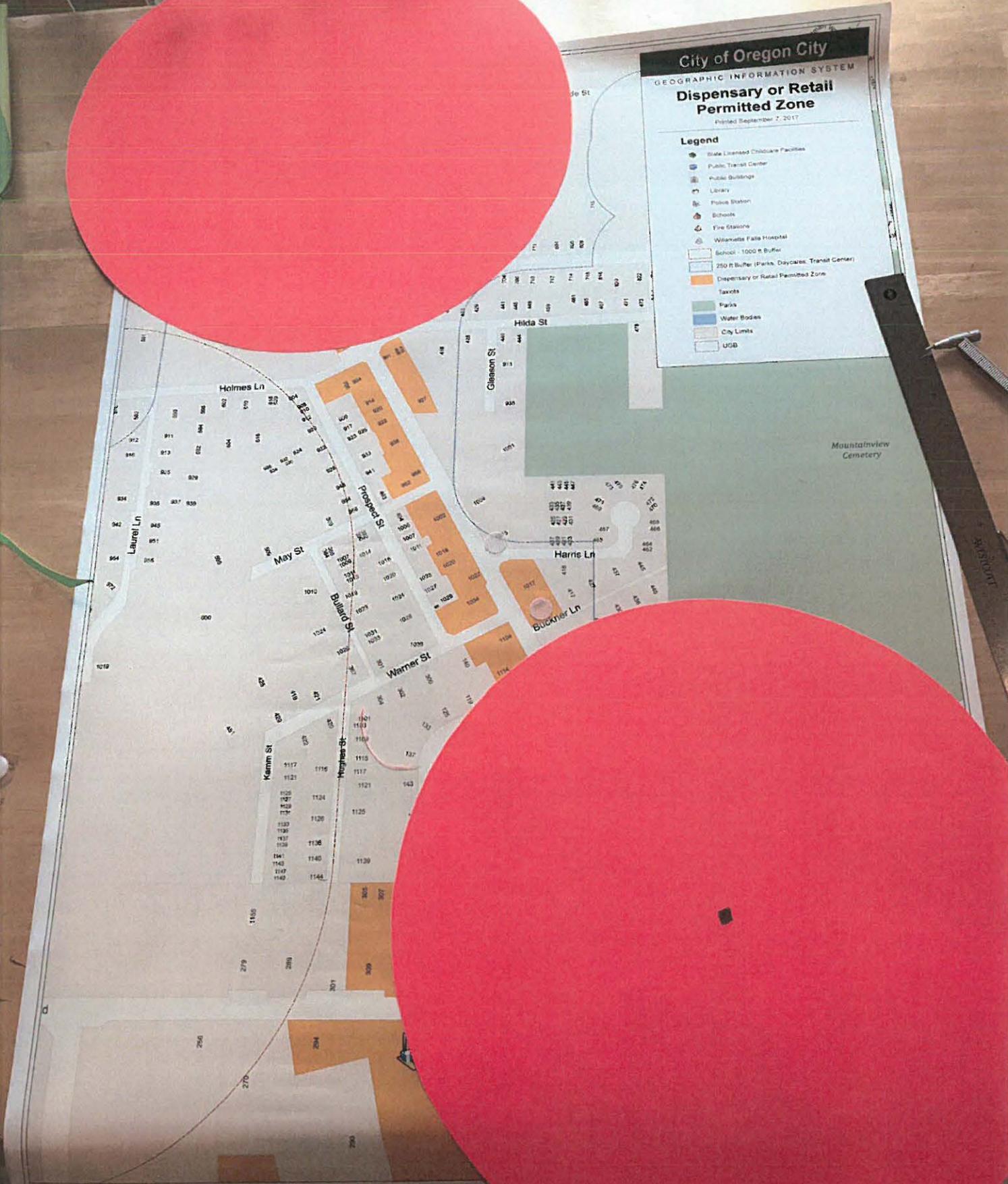
GEOGRAPHIC INFORMATION SYSTEM

Dispensary or Retail Permitted Zone

Printed September 7, 2017

Legend

- State Licensed Childcare Facilities
- Public Transit Center
- Public Buildings
- Library
- Police Station
- Schools
- Fire Stations
- Wlilamette Falls Hospital
- School - 1000 ft Buffer
- 250 ft Buffer (Parks, Daycares, Transit Center)
- Dispensary or Retail Permitted Zone
- Taxlots
- Parks
- Water Bodies
- City Limits
- UGB



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, or surveying purposes. Notification of any errors is appreciated.



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OREGON CITY

City of Oregon City

GEOGRAPHIC INFORMATION SYSTEM

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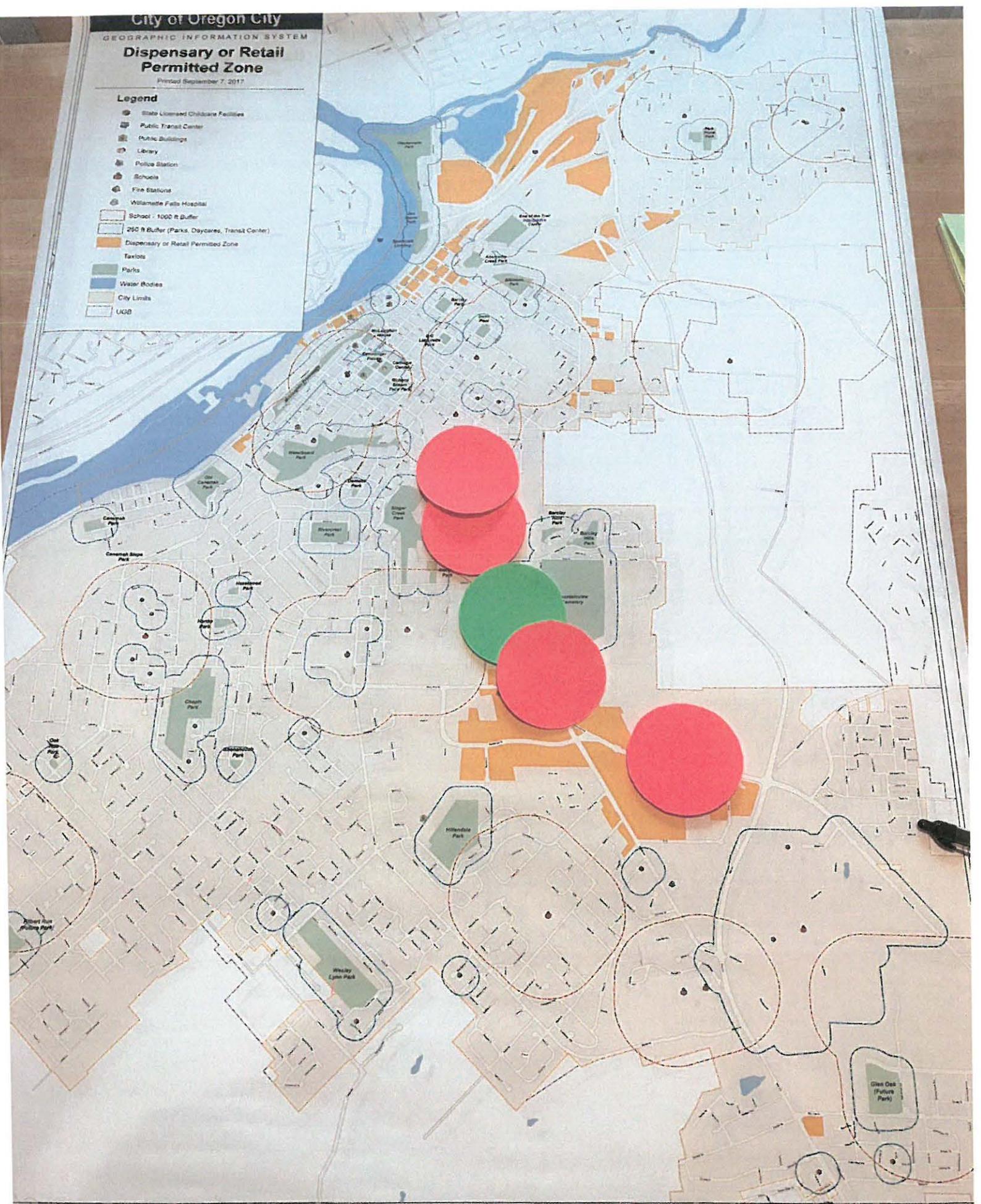


Dispensary or Retail Permitted Zone

Printed September 7, 2017

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Does not represent, express
completeness and timeliness
This map is not suitable for



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