COTTAGE GROVE CITY COUNCIL
REGULAR MEETING MINUTES
June 13, 2016

CALL TO ORDER

Mayor Thomas Munroe called the meeting to order at 7:00 pm in the Council Chambers at City Hall.

ROLL CALL

City Recorder Trudy Borrevik called the roll. The following were

PRESENT:	Mayor Thomas Munroe, City Councilors Kenneth Michael Roberts, Jake Boone, Jeff Gowing, Garland Burback, Amy Slay and Mike Fleck
ABSENT:	
YOUTH REPRESENTATIVE:	Henry Lancaster
STAFF PRESENT:	City Manager Richard Meyers, Finance Director Bert Likens, Public Works Director Jan Wellman, Community Development Director Howard Schesser, Community Services Director Pete Barrell, and Interim Police Chief Scott Shepherd
CITY ATTORNEY:	Carrie Connelly
OTHERS PRESENT:	Cameron Reiten, KNND Radio; Gordon Okumu, The Sentinel

ITEMS TO BE ADDED TO THE AGENDA

None

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Jeff Jones, 79476 Repsleger Road, Cottage Grove, served a Tort Claim on the City and presented it to the City Manager, Richard Meyers.

PUBLIC HEARINGS

None

CONSENT AGENDA

(a) Approve Liquor License Renewals
(b) Approve Minutes of May 23, 2016 Regular City Council Meeting

IT WAS MOVED BY COUNCILOR BOONE AND SECONDED BY COUNCILOR FLECK TO APPROVE THE CONSENT AGENDA.

The vote on the motion was as follows:

VOTE	Councilor Roberts	Councilor Boone	Councilor Gowing	Councilor Burback	Councilor Slay	Councilor Fleck	Mayor Munroe
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

RESOLUTIONS AND ORDINANCES

(a) A Resolution Establishing Purchasing Authority and Spending Limits for the City of Cottage Grove Staff and Departments

City Manager, Richard Meyers, said at the previous City Council meeting the Council adopted new public contracting rules based on the model rules from the Attorney General's Office. He said the rules set thresholds for the various steps in the purchasing process. He said at the formal level, bids that would go to Council for award would be $100,000 for public improvements and $150,000 for goods and services. The Resolution set the spending limits for City Staff at the $100,000 level which meant if there were goods and services of $102,000 Council wouldn't do the bid award but would have to do the authorization to do the expenditure.

IT WAS MOVED BY COUNCILOR GOWING AND SECONDED BY COUNCILOR BOONE THAT ORDINANCE NO. 1905 BE ADOPTED.

The vote on the motion was as follows:

VOTE	Councilor Roberts	Councilor Boone	Councilor Gowing	Councilor Burback	Councilor Slay	Councilor Fleck	Mayor Munroe
AYES	X	X	x	X	X	X	X
NAYS							
ABSTAIN							

BUSINESS FROM THE CITY COUNCIL

(a) Marijuana Regulations Discussion

City Manager, Richard Meyers, said at a previous Council meeting, there was a discussion regarding buffers or other regulations that could apply to marijuana facilities within the City. Legal Counsel provided City Council with a Memorandum (attached hereto and marked Exhibit "A") that outlined State law on the marijuana industry. He said they were also provided with maps from Staff that looked at buffer areas around parks and schools. He talked about what things Council had to look at and what options the Council had regarding marijuana facilities. He said one option for regulating facilities was through land use and the other was through a business license approach. He said with the business license, they couldn't charge a fee if it was just for marijuana facilities because the City had been pre-empted from charging fees. He said if there was a business license on all businesses, then the City could charge a license fee for marijuana facilities. He said not all marijuana facilities were prohibited from being located in a residential zone.

Community Development Director, Howard Schesser, went over maps (attached hereto and marked Exhibit "B") that showed where a 100' buffer would be around parks and where 1000' buffer zones around schools would be, which didn't include Trailhead Park.

Richard said in the Memo from Legal Counsel it said that State law did not impose residential zone restrictions on recreational marijuana grows or on recreational medical marijuana processors who did not process extracts. He said those could be in residential zones under State law but the City could put some restrictions on location restrictions on those that said they couldn't be located in residential zones. He said they would have to be a land use action because they would be tied to residential.

Howard said the City's Code didn't permit grows in a residential other than residential/commercial. He said it wasn't prohibited because a person could have four plants and that might be where the confusion was.

City Attorney, Carrie Connelly, asked if the City's Code was amended to address the marijuana issue or was it just a general reading. She said the City could make the Code more specific.

Howard said it was just a general reading.

Councilor Boone said he hoped that everyone could agree that if something was done that constrained people's ability to use their property as they saw fit, that they had a problem they were trying to solve that could be identified and whatever the solution was it could, in some way, either solve or lessen the problem. He said what he was concerned about the buffer zones was that no one had been able to tell him what the problem was. He had heard that they couldn't be near the parks because of children but no one had connected the dots for him. He said a marijuana processing facility wasn't open to the public and he assumed he wasn't going to have a neon sign advertising the business. He said it wasn't any different than having a distillery or brewery across the street from a park, which the City had been fine with so far. He asked what the problem was that buffer zones would be a solution for.

Councilor Slay said she agreed with Councilor Boone. She said there were concerns from citizens that brought up the discussion but didn't think it was a solution for any said problem, they were just looking at what the options were.

Councilor Fleck said at LRAPA they had many complaints about the smell of grow operations from neighbors. He said smell was not an air quality issue so they didn't have any authority to deal with it. He said he assumed that a manufacturing business would be eligible under cottage industry. He said he would prefer not to allow that.

Howard said they had looked at that but didn't believe it would fit the requirements.

Councilor Fleck said he didn't want to see manufacturing or processing of marijuana in residential zones.

Councilor Burback agreed with Councilor Boone about breweries being located near parks. He said he didn't think marijuana facilities should be allowed in residential zones. He said his issues with the processing facility on 10th Street were that he didn't know what it was going to look like. He thought there should be buffer zones around parks.

Councilor Gowing said the processing facility was closer to residential than the park and asked if it wasn't a bigger concern than the park. He said there was commercial near residential where he lived and said he wouldn't want that type of business near his house and could understand why people in that area were concerned.

Mayor Munroe asked Councilor Fleck about his comment that LRAPA didn't deal with marijuana smells.

Councilor Fleck explained what LRAPA's position was on marijuana smells.

Mayor Munroe said it was his understanding about the processing facility on 10th Street that when they started processing and if caused a bad smell, that the City would be on them.

Richard said smell by itself wasn't something that LRAPA would deal with regarding air quality. He said it was a quality of life and did have some impact.

Mayor Munroe asked how it could smell but not be effective.

Richard said there could be smell and it not be a toxin or particulate that is regulated in anyway.

Councilor Boone said in the information provided by Staff, it said people commented about the processing facility having 40 to 50 pounds of cannabis trim for processing. He said when he worked at the dispensary they had at least that much on site and on days when they were transferring product in and out of jars, the smell inside the dispensary could be pretty strong but outside the dispensary they couldn't smell it at all. He said grows were hugely smelly and it could be smelled all throughout the neighborhood. He said a processing facility was unlikely to be any stinkier than a metal or print shop. He said State laws allowed processing in residential zones if it

was non-extract or non-concentrate processing which meant they were making baked goods.

Councilor Burback asked if Staff had checked with other cities around the State to see if anyone had done anything about buffers.

Richard said they were all over the place and the most common was around parks and libraries and some had created buffers around playgrounds.

Carrie said one of the standards in proposing additional standards beyond what was proposed by the State had been considered in a number of cities. She said because of problems associated with enforcement and calling out that type of business as opposed to any other kind of business that had similar offensive smells, those conversations usually just died away.

Councilor Burback said he agreed with Councilor Boone about smells.

Carrie said ultimately on that detail level, cities had been defaulting to the State regulations. She said the State was regulating them and cities didn't want to get in the way of the enforcement process.

Councilor Fleck suggested a wait and see approach. He said it was all new and there were a lot of concerns. He said if it became a problem it could be revisited.

Mayor Munroe asked if anyone in the audience would like to comment.

Mike Algard, 32150 Rachel Road, Cottage Grove, said he had heard a lot of discussion and asked if anyone had researched if there were odors coming from marijuana processing facilities.

Sherry Adams, 1239 Adams Avenue, Cottage Grove, said she had been in Cottage Grove ten years and it was a wonderful place for kids and families. She said she was concerned about the larger parks with major playgrounds and would like to see 100' to 500' buffers for marijuana businesses. She referred to State law and said there wasn't supposed to be marijuana extract manufactured in a residential area. She commented about a neighboring property to the proposed marijuana processing facility whose resale value could be affected. She also referred to other neighbors in the area who were upset about the proposed business. She said the business owners planned to run the machinery 24 hours a day and they would only be there six hours a day and they lived in Eugene. She said she had a lot of issues with the processing facility but didn't have the $420 to appeal the Planning Commission decision. She said she was working with the State licensing and the site review report and she didn't think they would get their license. She said if they did it would be a huge issue for the neighborhood. She hoped the Council would make the town stay the way it was as much as possible.

Councilor Boone asked Ms. Adams to elaborate how children would know what was going on in the building if they were playing on the playground.

Ms. Adams said everyone in town would know what it was. She said the Planning Commission process was a joke.

Jeff Jones, 79476 Repsleger Road, Cottage Grove, asked how many places the City needed and at what point there was a stop put to it. He said it was disturbing to see all the green crosses; they set a bad impression for visitors and those looking to move to Cottage Grove.

Merlyn Adams, 1239 Adams Avenue, Cottage Grove, said she found it interesting that the Council didn't have a conflict of interest policy. She said small non-profits and any kind of incorporated business were required to have conflict of interest policies. She commented about a Planning Commissioner making decisions regarding businesses and zoning that might possibly financially impact their personal business.

Councilor Fleck said State law required Councilors and Planning Commissioners to declare potential and actual conflicts of interest. He explained what the difference was between a potential conflict and an actual conflict. He said there was a lot of passion around issues and taking a step back was appropriate. He said he wasn't unwilling to do anything but hadn't heard any compelling arguments that he could justify restricting business in the community.

Councilor Slay said it was a hard issue to keep emotions out of it because people got personal where marijuana was concerned. She said there had been so many years thinking it was an evil drug and now it was legal and a viable business. She said she did have concerns about the type of manufacturing near parks but didn't have enough evidence to know about it. She said until she knew more about the extraction process, she couldn't see making a decision to change anything at this point.

Councilor Burback said he had asked both Howard and Richard about the Planning Commissioner not declaring a conflict of interest. He believed the Commissioner had questioned where he had to recuse himself or not. He said both Council and Planning Commissioners were cognizant of what went on and were careful when deliberating on different issues.

Councilor Gowing said his problem was that Council didn't have enough information if it were a problem or not, but if they did nothing whatever business came in now would be grandfathered in. He said he would rather do something now and find out more information rather than living with something that was grandfathered in that was a mistake.

Councilor Boone said there were two states that had come before Oregon in legalizing marijuana and there were other facilities in various Oregon cities. He said it appeared so far there weren't the problems that Cottage Grove was concerned about.

Mayor Munroe commented on an article from Washington that talked about vehicle accidents increasing since marijuana was legalized. He talked about buffers and said they were called different things such as property set-backs, yellow parking zones, etc. He said they needed to look at it cautiously and make sure it was set so it was agreeable to the public.

Councilor Fleck asked if an addition to the nuisance ordinance was created around smell, would it not allow businesses that did not impact their neighbors to operate and allow some mechanism to go after ones that created complaints.

Richard said the State licensing already had regulations on smell associated with processors. He said the difficulty with smell was how it would be measured.

YAC Representative, Henry Lancaster, said when he was going through high school they had water quality testers and he said if they could figure out water quality, air could be tested in relatively the same way.

Richard said when air was tested, it was tested for particulates and things suspended in the air but smell was not the same, it didn't have particulates that were being picked up.

Councilor Roberts said he believed Medford had gone through something last fall with grows in Southern Oregon and the smells.

Councilor Fleck commented about the quasi-judicial process and conflict of interest.

Richard said Council had talked about buffers around parks and also the fact that that there were pieces of marijuana facilities that could be located in residential zones. He asked if there were areas that Council wanted to address in the Development Code.

Councilor Gowing said it was a problem that the processing facility was in a commercial zone but only thirty-two feet away from a residence.

Councilor Burback commented about the bakery being in a residential zone, cottage industry.

Councilor Fleck said he would like to make sure the residential code didn't allow commercial marijuana operations.

There was discussion about cannabuses in Oregon.

Richard asked Council if they wanted staff to research an amendment to the Zoning Ordinance which would go to the Planning Commission.

Carrie said the process would start at the Planning Commission level but Council could direct Staff to take the issue to the Planning Commission.

Councilor Fleck asked about residential professional zones and if they would allow marijuana facilities.

Howard said it would allow them with conditional use permits.

Councilor Boone said he understood that currently under the City's Development Code in residential zones, recreational marijuana grows, processing of extracts and dispensaries were not allowed.

Richard said under State law dispensaries all three were not allowed in residential zones.

Councilor Boone confirmed that under the City's current Development Code, all that would be allowed would be four plants per residence.

Carrie said there was no amendment or process around the State law and this kind of use so I think at least what I heard that the Code might not be as clear on that point.

Howard said based on the definition for grows and retail use, retail use wasn't allowed in residential areas, grows were only in the commercial and industrial except for residential/commercial. He said based on the definition in the Code, it was no different than growing flowers commercially.

Consensus of Council was to make sure the Development Code addressed marijuana facilities in residential zones.

Councilor Slay said regarding buffers, she needed to know how a marijuana processing facility was more dangerous than having a brewery that close and where the safety concerns were.

(b) Vision 2037 Annual Awards and Presentation to City Council

Community Services Director, Pete Barrell, said the 2037 Vision and Action Plan included an implementation component with the creation of the "Vision Keepers", a committee charged with collectively tracking implementation, troubleshooting challenges and keeping the public and plan stakeholders informed of the progress. He introduced Alan Bass and Shawna Neigh, Vision Keeper Co-Chairs who provided an annual report for the Vision Keepers. He also recognized Vision Keeper Committee members Jeff Gowing, Jim Gilroy and Cindy Weeldreyer.

(c) Bohemia Mining Days Update

City Manager, Richard Meyers, introduced BMD Festival Coordinator, Cindy Weeldreyer, who provided an update of the activities scheduled for Bohemia Mining Days. She recognized Board Members who were present Joel Reiten, Cathy Simmons and Jerry Vaverka. She said the theme was "All that Glitters is not Gold" and would focus on how electricity came to Cottage Grove.

(d) Set a Work Session on the Flood Damage Prevention Ordinance and Update on Flood Map Project and Biological Opinion Regulatory Process

Community Development Director, Howard Schesser, said staff was requesting a work session on Monday, June 27th at 6:00 pm to discuss the Flood Damage Prevention Ordinance, update on flood maps and review of the biological opinion issued in April.

Council approved the setting of the work session.

(e) Concerns from Council

Councilor Slay asked what the laws were regarding animals left in vehicles.

Interim Police Chief, Scott Shepherd, said there were laws that addressed it and the Police Department had thermometers that allowed them to check the temperature in vehicles.

Councilor Burback commented about a parking space in front of Busters on Main Street that made it hard for some semi-trucks to turn the corner and said he thought it should be eliminated. He also commented about one of his customers who had an issue with parking in front of her house. He said where she was from they had a program where someone could pay a yearly fee to reserve the parking in front of their homes and he thought it might be something for the City to consider. He asked Howard if the Territorial Seed marijuana seed grow was going to plant arborvitae in front of the fences.

Howard said they still had additional items to do with the landscaping and were waiting for delivery of plants.

Councilor Burback said Springfield and Eugene's City Councils had summer breaks in their meeting schedules and asked why Cottage Grove didn't.

Councilor Gowing commented about people smoking marijuana in Bohemia Park near the playground area for kids. He said he had an awesome trip to Washington D.C., traveling through 18 states, 6750 miles and his wife was the only female rider from the West coast to the East coast and back.

Councilor Roberts asked the City Manager about the event in Bohemia Park on July 1st and 2nd and asked if it was going to cost the City any money or resources.

Richard said it was a music event and he was still working on the permit. He said it wasn't supposed to cost the City anything and they would take care of all the security and issues associated with the event.

YAC Representative Henry Lancaster said they were having the YAC Academy all day on Monday, June 20th. He said Cindy Weeldreyer had come to their last meeting and talked to them about BMD. He also said YAC was also going to have a booth at the Concerts in the Park on June 22nd. And the last thing he advised was that YAC had received their new t-shirts.

Mayor Munroe mentioned that a citizen had contacted him and were concerned about the activity in and near the Centennial Bridge near City Hall.

Councilor Burback said the Finance Director, Bert Olsen, had recently gotten married and he was thinking of having a reception at his house sometime in July.

BUSINESS FROM CITY MANAGER

(a) Approval of and Authorization for City Manager to Enter Into Collective Bargaining Agreement with the Cottage Grove Police Guild

This item was moved to after the Executive Session.

(b) Report from City Manager

City Manager, Richard Meyers, said he was going to introduce Gordon, a new reporter for The Sentinel.

Richard said Middlefield Golf Course was hosting the Chamber of Commerce Business After Hours on Thursday, June 16th from 5:30 to 7:00 pm.

Richard talked about the YAC Academy on Monday, June 20th and said Council was invited to attend lunch with the YAC members at Middlefield Golf Course at noon.

BUSINESS FROM CITY ATTORNEY

(a) Report from the City Attorney

None.

The Council recessed and went into Executive Session at 8:42 pm.

EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(d) TO CONDUCT DELIBERATIONS WITH PERSONS DESIGNATED BY THE GOVERNING BODY TO CARRY ON LABOR NEGOTIATIONS

The Council reconvened at 8:53 pm.

(a) Approval of and Authorization for City Manager to Enter Into Collective Bargaining Agreement with the Cottage Grove Police Guild

City Manager, Richard Meyers, said labor negotiations had been held with the Cottage Grove Police Guild and said they had agreed on a three year bargaining agreement beginning July 1, 2016. He said most of the contract stayed the same; however significant changes to the insurance clause had been negotiated and he outlined some of the changes.

IT WAS MOVED BY COUNCILOR BOONE AND SECONDED BY COUNCILOR FLECK THAT THE CITY COUNCIL APPROVE THE COLLECTIVE BARGAINING AGREEMENT WITH THE COTTAGE GROVE POLICE GUILD AND AUTHORIZE THE CITY MANAGER TO ENTER INTO THE AGREEMENT ON BEHALF OF THE CITY.

The vote on the motion was as follows:

VOTE	Councilor Roberts	Councilor Boone	Councilor Gowing	Councilor Burback	Councilor Slay	Councilor Fleck	Mayor Munroe
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

ADJOURNMENT

There being no further business, Mayor Munroe adjourned the regular meeting of the City Council at 9:01 p.m.

The next regular City Council Meeting will be held June 27, 2016 at 7:00 p.m. in the Council Chambers at City Hall.

Trudy Borrevik, City Recorder

Thomas C. Munroe, Mayor

Local Government Law Group PC

a member of SPEER HOYT LLC

Carolyn H. Connelly
Christy K. Monson
Ross M. Williamson*
Lauren A. Sommers
Diana Moffat
Mark A. Wolf

J. Kenneth Jones, *Of Counsel**
Russell D. Poppe, *Of Counsel*
John A. Wolf, *Of Counsel*
*Admitted in Washington

June 8, 2016

Via Email to: ***citymanager@cottagegrove.org***

Richard Meyers
City Manager
400 Main Street
Cottage Grove, OR 97424

Re: Reasonable Marijuana Regulations

Dear Mayor and Council,

The City Manager asked me to write you a short letter outlining the types of marijuana facilities regulations the City could adopt. I understand that you are particularly interested in imposing buffers around parks.

State Law Regarding Reasonable Regulations

ORS 475B.340 and ORS 475B.500 allow cities to impose "reasonable regulations" on the following marijuana facilities:

- Medical marijuana grow sites;
- Medical marijuana processing sites;
- Medical marijuana dispensaries;
- Recreational marijuana producers;
- Recreational marijuana processors;
- Recreational marijuana wholesalers; and
- Recreational marijuana retailers.

Under state law, "reasonable regulations" means:

- Reasonable limitations on hours of operation;
- Reasonable conditions on the transfer of usable marijuana, cannabinoid products, cannabinoid concentrates, cannabinoid extracts, immature marijuana plants and seeds;

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- Reasonable requirements related to the public's access to marijuana facilities; and
- Reasonable limitations on where marijuana facilities may be located in the City; except that the City cannot require that recreational marijuana retail facilities be located more than 1000 feet from each other.

State Law Limits on Marijuana Facilities

State law already regulates (at least to some extent) the places marijuana facilities can locate in the City.

- Recreational marijuana processors that process extracts may not be located in an area exclusively zoned for residential use.
- Recreational marijuana wholesalers may not be located in an area exclusively zoned for residential use.
- Recreational marijuana retailers may not be located in an area exclusively zoned for residential use and may not locate within 1000 feet of a private or public elementary or secondary school.
- Medical marijuana processing sites that process extracts may not be located in an area zoned for residential use.
- Medical marijuana dispensaries may not be located in an area zoned for residential use, may not be located at the same address as a medical marijuana grow site, and may not locate within 1000 feet of a private or public elementary or secondary school.

State law does not impose residential zone restrictions on recreational or medical marijuana grows or on recreational or medical marijuana processors that do not process extracts.

Example Regulations

The following are examples of what "reasonable regulations" could look like in practice.

- Cottage Grove could determine that it only wants certain types of marijuana facilities to be able to locate in certain zones in the City. For example, the City might decide that it doesn't want *any* marijuana facilities in residential zones.

- State law already requires that recreational retail facilities and medical dispensaries be located at least 1000 feet from a school, but the City may want to impose some additional buffers. For example, other cities have set buffers around parks and libraries. Whether or not a buffer is reasonable will likely depend both on the size of the buffer and what it does to marijuana facilities' ability to locate in the City.

- The City could declare that marijuana facilities are conditional uses. That would allow for some City review of marijuana development applications through the

conditional use permit process. It would also allow the City to impose special conditions on marijuana facilities.

- The City could declare that marijuana facilities are not home occupations or temporary uses, and the City could prohibit marijuana uses from having drive-throughs.

- Finally, the City may want to dictate things like hours of operation, security or lighting requirements, fencing standards, odor mitigation, and/or a requirement that marijuana grows must be exclusively indoor (or exclusively outdoor, depending on the City's preference) in certain zones. OLCC restricts the hours of operation for recreational marijuana retailers to between 7 a.m. and 10 p.m. The City could further restrict those hours, as long as the restriction is reasonable. (For example, 8 a.m. to 8 p.m. is probably reasonable – 10 a.m. to 2 p.m. probably is not.) The City could also impose reasonable limits on the hours of operation of medical marijuana dispensaries and other marijuana facilities.

Process

Some regulations on marijuana facilities can be adopted through a business license-type ordinance. Other types of marijuana facilities regulations are land use regulations that must be adopted using the land use process.

As you know, it takes a while to adopt or amend a land use ordinance. OLCC began accepting license applications for recreational marijuana facilities in January, and medical dispensaries and medical processing sites can locate in the City at any time. If the City wants to regulate the places marijuana facilities can locate in the City you will want to update your Code as soon as possible.

Note that marijuana uses established in the City prior to the adoption of land use regulations will be legal non-conforming uses and will not be required to comply with the new land use ordinance unless and until they lose their legal non-conforming use status. In other words, existing marijuana facilities will be grandfathered out of newly adopted land use regulations. However, certain types of regulations adopted through a business license-type ordinance (for example, hours of operation, security requirements, etc.) could be made applicable to both new and existing marijuana facilities.

Please let us know if you have any questions or if we can assist the City in drafting any marijuana regulations.

Sincerely,

Lauren Sommers
lauren@speerhoyt.com

Community Development Dept.
City of Cottage Grove

Memo

To: Mayor and City Council

From: Howard P. Schesser, Community Development Director

CC: Richard Meyers, City Manager

Date: 6/10/2016

Re: Park Buffers related to Marijuana Licenses

Staff has been asked to prepare an example of what a 100 foot buffer around City parks would look like. Parks have various designations in our Master Park Plan. The park types are:

Park Types:	Examples:
Mini	Westend Park (N. N St & Ash Ave.)
Nodal	Veteran Park (W. Main St. & N. River Road)
Neighborhood	Fort Harrison Park (Harrison Ave & S 3rd St.)
Community	Coiner Park (400 Block of E. Main Street)
School Park	Various playfields associated with schools
Greenway	Prospector Park (South River Rd. and Bryant Ave)
Trail	Row River Trail (from N. 14th St to city limits)
Natural Resource	Row River Nature Park & North Regional Park

Keeping in mind the "reasonable regulations" advice from the City Attorney, staff has prepared the attached map based on the following assumptions:

1. Whether mapped or not, all Mini, Nodal, Neighborhood, Community, School Parks and Greenway parks would have a 100 foot buffer.

2. The 100 foot buffer is a straight line measurement in a radius extending for 100 feet in any direction from the closest point anywhere on the boundary line of the real property comprising a park.

3. If any part of a property falls within the 100 foot buffer as measured above, then the all of the property cannot be used for any marijuana facility licensed by either OLCC or OHA.

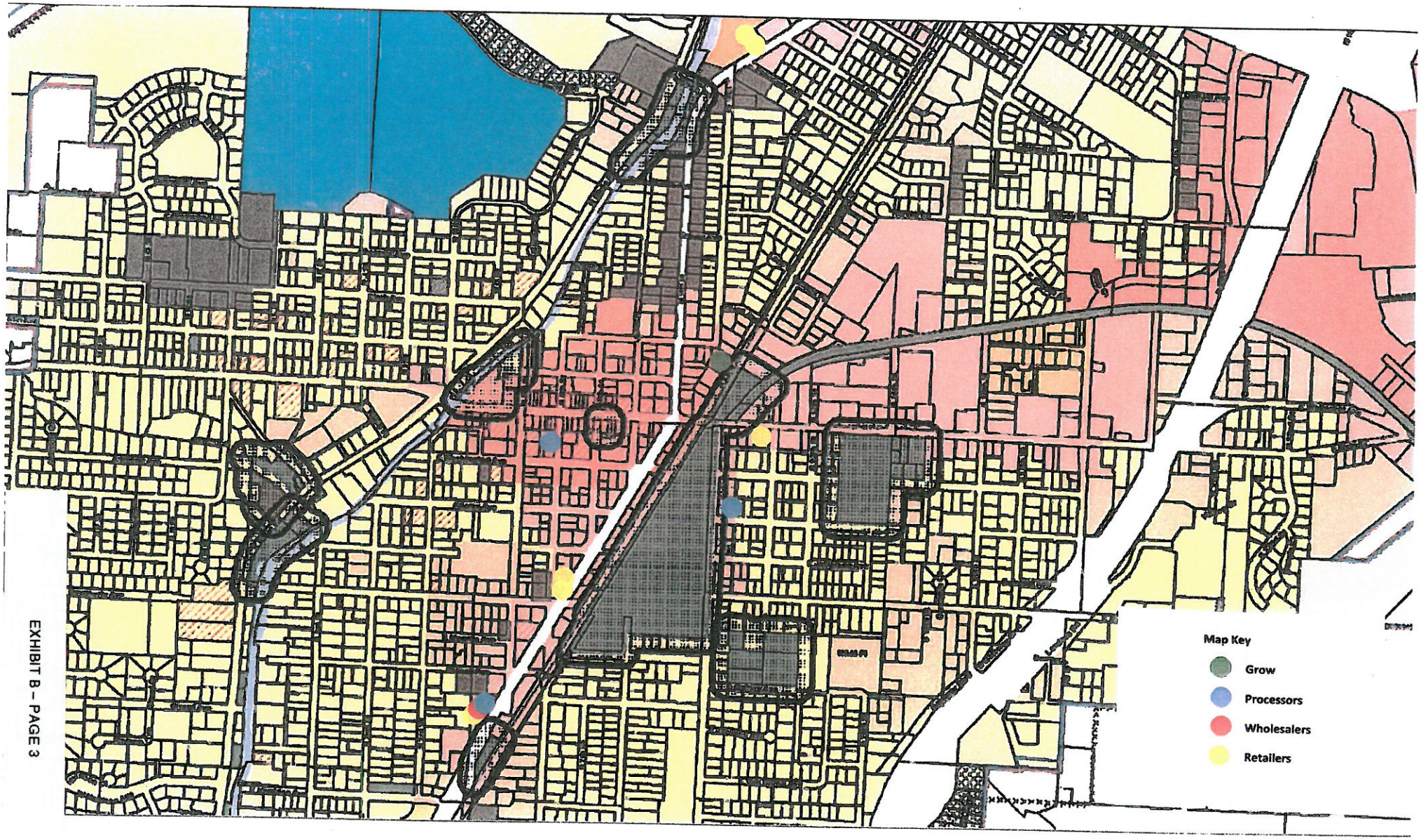
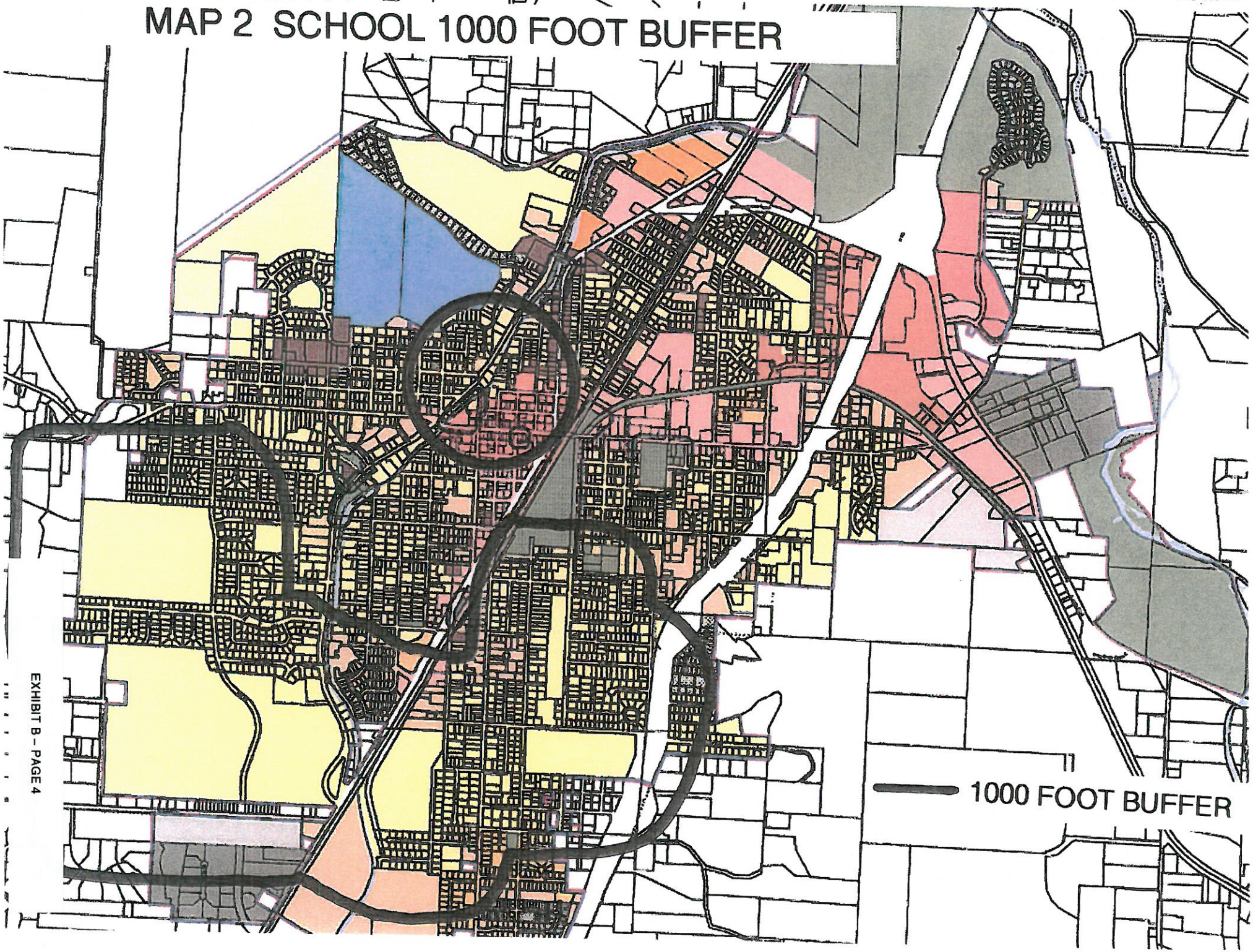
4. For retail facilities, you have to also consider the 1000 foot buffer from all private or public elementary or secondary schools. We have included a second map that shows this buffer overlaid on the first map.

5. We did not include buffer on the Row River Trail, North Regional Park and Row River Nature Park, as this could restrict the potential location of marijuana facilities to such an extent that the City could have potential "reasonable regulation" issues. A buffer along the trail could impact much of the City's 2-P Community Commercial areas, even though the trail in many areas is physically separated from the buildings along it by a fence. The lands around the Row River Nature Park, including those outside of the current city limits but within our urban growth boundary, are designated for industrial uses. The lands around the North Regional Park are owned by the City.

Map 1: This map shows a potential 100 foot buffer around parks within the core of the City.

Map 2: This map shows the 1000 foot buffer from schools established by state regulation for retail marijuana uses (medical or recreational).

MAP 1 100 FOOT BUFFER FROM PARKS



MAP 2 SCHOOL 1000 FOOT BUFFER