



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: January 22, 2016
Jurisdiction: City of Reedsport
Local file no.: 15-017
DLCD file no.: 003-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 01/21/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 38 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 003-15 {24120}
Received: 1/21/2016

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Reedsport, City of

Local file no.: **15-017A**

Date of adoption: 01-04-16

Date sent: 01-21-16

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 11-06-15

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
If yes, describe how the adoption differs from the proposal:

The original file included text amendments to the RLUC, incorporating recreational marijuana rules, as well as, adoption of the 2015 Pedestrian Safety Study and related changes to the TSP. The two items were separated and thus far only the marijuana regulations have been approved.

Local contact (name and title): Jessica Terra

Phone: 541-271-3603

E-mail: jterra@cityofreedsport.org

Street address: 451 Winchester Avenue

City: Reedsport

Zip: 97467

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- | | | | |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Text amendment to the Reedsport Land Usage Ordinance, in order to modify portions of Chapters 10.64, 10.72, & 10.76. The modifications primarily "strike" medical from the Chapters, but a new section specific to recreational marijuana facilities has also been added.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: DLCD, ODOT, DEQ, ODFW, DSL, USACE, CLPUD, Douglas County, Reedsport Police & Fire Depts, Chamber of Commerce, the Bldg. Dept. LLC, State Fire Marshal, Port of Umpqua, LUH, School Dist. 105, LUEDF.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Enclosed items: DLCD Form 2, signed Ordinance 2016-1150 including code language, original staff report of the Planning Commission, comments regarding File No. 15-017A, and the Planning Commission Findings of Fact.

COPY

ORDINANCE 2016-1150

AN ORDINANCE OF THE CITY OF REEDSPORT AMENDING THE REEDSPORT LAND USAGE ORDINANCE CHAPTERS 10.64, 10.72, & 10.76 BY INCORPORATING STANDARDS FOR RECREATIONAL MARIJUANA FACILITIES AND DECLARING AN EMERGENCY

WHEREAS, Measure 91 allows Oregonians to possess limited amounts of recreational marijuana for personal use and authorizes the Oregon Liquor Control Commission (OLCC) to license and regulate recreational marijuana, grown, sold, or processed for commercial purposes;

WHEREAS, the Oregon Liquor Control Commission will make applications for recreational marijuana producers, processors, wholesalers, laboratories, retailers, and researchers available on January 4, 2016; and

WHEREAS, the City of Reedsport has the ability to further regulate recreational marijuana facilities and in order to be consistent with the changing state laws, the Reedsport Planning Commission created time and place standards for recreational marijuana facilities; and

WHEREAS, the Planning Commission initiated an amendment to the Reedsport Land Usage Ordinance Chapters 10.64-10.76 at a work session on September 28, 2015 where they met to discuss and develop standards for recreational marijuana facilities; and

WHEREAS, a notice of the proposed code amendment was sent to the Department of Land Conservation and Development (DLCD) on November 6, 2015 not less than 35 days prior to the first evidentiary hearing on December 14, 2015 and as required by State law; and

WHEREAS, a public notice of the Planning Commission and City Council public hearings was published in the Umpqua Post on November 18, 2015; and

WHEREAS, a notice of the proposed amendments was sent to all property owners within the City limits and those inside the Urban Growth Boundary, affected public districts, service providers, and governmental agencies on November 20, 2015 notifying them of the proposal, public hearing dates and requesting comments; and

WHEREAS, the Planning Commission held a public hearing on December 14, 2015, and made a recommendation to the City Council to approve the text amendments proposal.

NOW, THEREFORE, THE CITY OF REEDSPORT ORDAINS AS FOLLOWS:

SECTION 1: On the basis of the facts contained in the record, the City Council finds there is sufficient justification and need to accept the Planning Commission recommendation and hereby adopt as its own the Findings of Fact of the Planning Commission which are included by this reference.

exterior that the site is being used for the manufacture of marijuana.

10.72.090 (M-1) Light industrial zone.

- B.2. Any use permitted in the C-3 and C-2 zone (excluding marijuana facilities and C-1 uses), subject to regulations of C-3 and C-2 zones;
- C.4. Marijuana grow sites, provided that the marijuana grow site is:
 - a. Not located at the same site as a registered marijuana dispensary;
 - b. Is located in an enclosed building from which there is no indication from the exterior that the site is being used for the manufacture of marijuana.

10.72.100 (M-2) Industrial zone.

- C.4. Marijuana grow sites, provided that the marijuana grow site is:
 - a. Not located at the same site as a registered marijuana dispensary;
 - b. Is located in an enclosed building from which there is no indication from the exterior that the site is being used for the manufacture of marijuana.

10.76.035 Marijuana Dispensaries

- A. **Purpose.** The purpose of this section is to minimize any adverse public safety and public health impacts that may result from allowing marijuana dispensaries in the City, by adopting particular time, place and manner requirements and a separate permitting process for both medical and recreational dispensaries.
This section does not apply to marijuana grow sites.
- B. **Minimum standards.** All marijuana dispensaries shall possess the required state and local licenses, including a current City of Reedsport Dispensary Operators license. In addition to obtaining the appropriate licenses and permits, the person responsible for a dispensary shall ensure that the following standards are also being met:
 - 1. **Medical Marijuana Dispensary.** Medical marijuana dispensaries shall not be located:
 - a. At the same site as a registered marijuana grow site;
 - b. Within 1,000 feet of a property comprising a school (including nursery school) that is primarily attended by minors, as defined by the Oregon Health Authority;
 - c. Within 1,000 feet of another property containing a medical marijuana dispensary in possession of a City of Reedsport Dispensary Operator license:
 - ❖ For the purpose of this section “within 1,000 feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction from any point on the boundary line of the real property comprising an existing school.
 - d. Within 200 feet of a City park; and
 - ❖ For the purpose of this section “within 200 feet” means a straight line measurement in a radius extending for 200 feet or less in every direction from any point on the boundary line of the real property of Barron, Centennial, Champion, Henderson and Lion Parks.
 - e. Within 25 feet of the public library property and shall not have a storefront or

greatest extent feasible confines all objectionable odors associated with the dispensary to the premises for the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected;

15. The business shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the facility's exterior refuse containers;
16. Outdoor storage of merchandise, raw materials or other material associated with the dispensary is prohibited; and
17. Hours of operation for a marijuana dispensary are limited to Monday through Saturday from 9:00am to 7:00pm and on Sunday from 9:00am to 5:00pm;

C. **Signage.** All marijuana dispensaries shall meet the sign standards as prescribed in 10.76.040 and the sign standards contained herein:

1. The proposed development shall display no signage or advertisement that is visible outside of the store, which contains any of the following:
 - a. Photos or illustrations of any parts of the marijuana plant; or
 - b. Photos or illustrations of minors in the same frame as any words, logos, or photos intended to mean or replace the word marijuana.

EFFECTIVE DATE OF ORDINANCE: An emergency is hereby declared to exist as the state's draft rules are set to go into effect January 4, 2015; therefore, this Ordinance shall take effect immediately upon its adoption by the Council and approval by the Mayor.

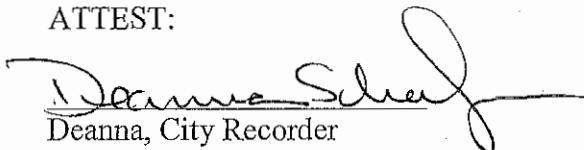
PASSED BY THE CITY COUNCIL this 4th day of January, 2016.

AYES 6 NAYS 0 ABSTENTIONS 1

APPROVED BY THE MAYOR this 4th day of January, 2016.


Mayor Linda McCollum

ATTEST:


Deanna, City Recorder

BEFORE THE CITY OF REEDSPORT PLANNING COMMISSION

Amendments to the Reedsport Land Usage Ordinance (Marijuana Regulations), Findings of Fact and Decision, Planning Department File No. 15-017A.

This matter came before the City of Reedsport Planning Commission on December 14, 2015, in the City Council meeting room at City Hall.

The Planning Commissioners present at the hearing are on record with the City Clerk.

The Planning Commission takes official notice of the following:

1. The City of Reedsport Comprehensive Plan and City of Reedsport Land Usage Ordinance, adopted by the City of Reedsport City Council and acknowledged by the Land Conservation and Development Commission on April 26, 1984.
2. The records of the Planning Department of the City of Reedsport concerning publication and mailing of notice.

PROCEDURAL FINDINGS OF FACT

1. At least 35 days prior to December 14, 2015, a notice of public hearing was sent to the Department of Land Conservation and Development as an electronic submission.
2. Measure 56 notice was sent to affected property owners, service providers and governmental agencies 20 days prior to the public hearing as required by ordinance and state law.
3. Notice of the hearing was given to a newspaper of general circulation in the affected area at least 20 days prior to December 14, 2015.
4. As of the writing of the Staff Report, one comment was received from Central Lincoln PUD.
5. At the hearing, the Planning Commission recognized parties in the matter which are contained in the Record on file with the Planning Department.
6. Staff entered Staff Exhibits 1 through 7, including one additional response received after the writing of the Staff Report (Exhibit 6) and additional returned mail received after the writing of the Staff Report (Exhibit 7) and preparation of the Planning Commission packets.
7. The Planning Commission received testimony from members of the public in attendance as set forth herein.

SUBSTANTIVE FINDINGS OF FACT

On the basis of the testimony and evidence contained in the whole Record, the Planning Commission adopts the following findings of fact.

1. In November 2014, Oregon voters passed Measure 91 into law. The law provides for personal growing, possession, and use of limited amounts of non-medical marijuana, and directs the Oregon Liquor Control Commission (OLCC) to administer a licensing system for the production, processing, wholesale, and retail sales of non-medical marijuana. In 2016, the OLCC will begin accepting permits for recreational marijuana dispensaries and grow facilities; therefore, the Reedsport Planning Commission has modified existing time and place regulations for medical marijuana facilities, in order to incorporate recreational marijuana uses to be regulated.
2. The Planning Commission considered concerns from the local electrical service provider, Central Lincoln PUD. A representative of the company, Gary Wenzel, requested that consideration be given when approving Conditional Use Permits for Marijuana Grow Sites in order to advise applicants of the importance of contacting CLPUD to ensure proper services are installed, so as not to overload and/or cause outages. The Planning Commission acknowledged that 20 days' notice is provided to the agency in order for comments to be submitted on those applications and additional language will be added to Reedsport Municipal Code Chapter 7, which further regulates Marijuana Grow Sites, advising applicants to contact the utility.
3. The Planning Commission received a written response after the mailing of the Staff Report from Riley and Christine Spillar, who stated concerns related to the legalization of marijuana and its impacts on traffic, youth, and addiction. The Commission acknowledged that recreational marijuana was already made legal by the voters of Oregon in 2014. The Commission developed regulations in order to protect the youth of the community by creating buffers from schools and parks. Furthermore, marijuana dispensaries and grow sites authorized in Reedsport shall comply with local and state requirements.
4. The Planning Commission received testimony from the audience.
5. The Planning Commission agrees with the findings and provisions of the staff report and concludes, based on the testimony received, that the amendments are consistent with applicable provisions of the RLUO, Comprehensive Plan and Statewide Planning Goals and can be approved.
6. A motion was made to approve the request. The motion passed unanimously.

December 14, 2015

DECISION

Based on evidence received and the findings above and the findings in the Staff Report, we hereby APPROVE the amendments to the Reedsport Land Use Ordinance (RLUO) Chapters; 10.64, 10.72, & 10.76, in order to modify marijuana regulations. Planning Department File No. 15-017A.

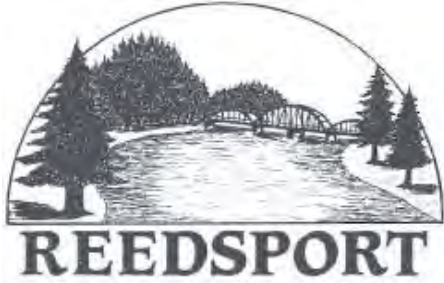
Dated this 14th day of December 2015.

REEDSPORT PLANNING COMMISSION

By: _____



Chairman Allen Teitzel



CITY OF REEDSPORT

PLANNING DEPARTMENT

451 Winchester Avenue

Reedsport, OR 97467-1597

Phone (541) 271-3603 | Fax (541) 271-2809

December 7, 2015

STAFF REPORT

TO: CITY OF REESPORT PLANNING COMMISSION

FROM: CITY OF REEDSPORT PLANNING DEPARTMENT

RE: The City of Reedsport Planning Commission amendments to the Reedsport Land Use Ordinance (RLUO) Chapters; 10.64, 10.72, & 10.76, in order to modify marijuana regulations, as well as, amendments to the Transportation System Plan (TSP) in order to adopt the 2014 Pedestrian Safety Study. **Planning Department File No. 15-017.**

STAFF EXHIBITS

1. 35 day notice to the Department of Land Conservation and Development
2. Measure 56 Notice and affidavit of mailing with returned mail
3. Other noticing of the amendments hearing
4. Staff report with responses
5. Proposed amendments

INTRODUCTION

In 2014 the Reedsport Planning Commission adopted regulations and restrictions on the operation of medical marijuana dispensaries and marijuana grow sites. On July 1, 2015, the State of Oregon legalized recreational use of marijuana, with State laws being developed and anticipated to roll out in 2016. In order to keep up with changing rules, the Commission has modified the existing Medical Marijuana time and place standards, in order to incorporate regulations for Recreational Marijuana related uses and facilities into the Reedsport Land Usage Ordinance (RLUO).

In addition to the amendments of the RLUO, the City of Reedsport has been working with the Oregon Department of Transportation and DKS Associates to prepare a Pedestrian Safety Study. The US 101 and OR 38 corridors in Reedsport, Oregon are a safety concern for ODOT and City staff, as well as, residents in the area. Fatal and serious injury pedestrian crashes along the study corridors have led to ODOT and the City of Reedsport partnering to prepare a safety plan that will improve safety for all modes of travel. The result of this analysis recommends pedestrian related safety improvements and cross-section changes to Highway 101 and OR 38 that are not currently consistent with the City's 2006 Transportation System Plan (TSP). So, by incorporating the Study into the City's Comprehensive Plan and amending the TSP future improvements can be made, such as a road diet from 16th Street to 22nd Street and much needed pedestrian safety enhancements at the 20th Street intersection by Lions Park. These amendments have been vetted by a volunteer advisory group consisting of area stakeholders and the City's Traffic Safety Committee.

The legislative amendments proposed in Exhibit 5 shall be reviewed first by the Reedsport Planning Commission in a public hearing process. The Commission shall recommend to the City Council approval, disapproval or modified approval of the proposed amendments. After receiving the recommendation from the Planning Commission, the City Council shall hold a public hearing on the proposed amendments.

APPLICABLE CRITERIA

RLUO Chapter 10.100, "Amendments" Sections 10.100.010-10.100.040

PROCEDURAL FINDINGS OF FACT

RLUO Section 10.100.040 requires that any amendments that limits, modifies or prohibits land uses previously allowed in the affected area may be subject to Measure 56 notice. Measure 56 notice was provided as part of this amendment process. As of the writing of this Staff Report, two responses were received:

1. John McDonald of the Oregon Department of Transportation responded, stating that any language in the TSP precluding a three-lane section of road should be concurrently removed from the TSP to ensure the TSP remains internally consistent.
2. Dan Karpa, property owner of 1733, 1745, and 1757 Greenwood Avenue, had the following concerns and comments:
 - a. The result of the lane conversion proposed between 16th Street and 22nd Street could reduce his property values.
 - b. There is already difficulty at N. 18th Street, in the off season, when trying to enter Highway 101. Turning a busy 4-lane road into 2-lanes doesn't seem logical, just to improve pedestrian safety at Lions Park.
 - c. Reducing the speed limit and installing refuge islands and pedestrian lights south of 18th Street might be all that is necessary to improve safety.
3. Cynthia Kruse, property owner of 2036 Elm Avenue, responded in writing stating, in relevant part:
 - a. She opposes the land reduction because there are already times when traffic flow is heavy, making it difficult to from S. 20th Street onto US 101 South.
 - b. The proposed lane reduction will force twice the amount of traffic through a single lane causing backup and frustration to locals.
 - c. The sidewalk extensions and raised pedestrian refuge can create a safety hazard for drivers.
4. Gary Wenzel of Central Lincoln PUD responded requesting that the City explore the possibility of having a note added to any Marijuana Grow Facility's application which advises the applicant to contact Central Lincoln PUD for assurance of service. This would help the agency to address any overloading of equipment before damage occurs. CLPUD is currently experiencing growers overloading existing services which are not rated for the grow lights. This causes disruption for PUD and sometimes other customers.

FINDINGS OF THE STAFF REPORT

RLUO Section 10.100.020 provides the standards and criteria by which an amendment is to be processed as follows:

- A. *Is there significant burden of proof to show the action will be in the public interest?*
- B. *Is said action detrimental to properties surrounding or adjacent to the area requested for the*

amendment?

- C. *Is the proposed amendment in conflict with the adopted comprehensive plan, including the transportation system plan for the area?*
- D. *Will the proposed amendment adversely affect the public health, safety and general welfare?*
- E. *What effect will the newly proposed amendment have on the existing developed land use pattern in the immediate area, specifically with respect to the question of land use compatibility?*
- F. *Will the proposed amendment be consistent with the function, capacity and performance standards for the streets used for access, consistent with the Reedsport TSP, the Oregon highway plan, and the Transpiration Planning Rule?*

Is there significant burden of proof to show the action will be in the public interest?

The regulation of recreational marijuana uses and facilities under the Reedsport Land Usage Ordinance (RLUO) ensures compliance with applicable state regulations, protects the general welfare of the public and ensures that these facilities can be developed alongside commercial or industrial uses with limited impact. Spacing limitations recommended will distance these uses and facilities from schools and parks.

The changes to the Transportation System Plan are a direct result of high incident occurrence rates and concern from business owners, the school district, Traffic Safety Committee, and local parents who support the need for pedestrian safety enhancements along the US 101 and OR 38 corridors in areas where fatal and serious injury pedestrian-related crashes have occurred in the past. These areas are frequented by residents, park users, high school students, nearby businesses, bicyclists, and tourists.

FINDING NO. 1

The proposed RLUO and TSP amendments are in the public interest.

Is said action detrimental to properties surrounding or adjacent to the area requested for the amendment?

A recreational marijuana dispensary is a use similar to a medical marijuana dispensary, which is an authorized use in the City's Commercial and Mixed-Use zones. Recreational marijuana dispensaries offer retail or wholesale services, which are permitted uses in the

Commercial and Mixed-Use Zones.

Recreational Marijuana Grow Sites will be restricted to Industrial or Mixed-Use zones to avoid conflict with residential neighborhoods. These properties are primarily located in the City's downtown area and behind the commercial core. A request to authorize a grow site will require a conditional use permit and public notice will be provided to ensure any additional compatibility issues are mitigated. Public notices are mailed to surrounding properties within 200 feet of the property and all public agencies, such as Central Lincoln PUD.

The changes recommended by the Pedestrian Safety Study support safe, pedestrian crossings to the commercial uses adjacent to the Highway 101 and 38 corridors in Reedsport. Safer access to those uses could improve foot traffic for the businesses. The crossing enhancements proposed at 20th Street and Highway 101 supports use by the high school students and park users. The amendments propose a host of improvements including, additional lighting, speed feedback signs and a "road diet" between 16th Street and Highway 101, in order to provide for all modes of travel. The road diet will allow for bicycle lanes and street side parking and other traffic enhancements in the uptown area making this area seem more like another downtown area and increasing the desirability of properties in this area. Currently, there is a lack of additional parking for the businesses and business owners have concern that on street parking options are treacherous to patrons in the uptown area. Additional parking with a bike lane to buffer from traffic would support the surrounding uses.

FINDING NO. 2

With the proposed state and local regulations on recreational marijuana, the use will be compatible with surrounding or adjacent properties or made compatible through a conditional use permit process, in which notice is provided to all public agencies for comment.

FINDING NO. 3

Implementation of bike lanes, pedestrian crossing enhancements, and a road diet should support the adjacent uses in those areas.

Is the proposed amendment in conflict with the adopted comprehensive plan, including the transportation system plan for the area?

The applicable portions of the City's Comprehensive Plan and subsequent State Wide Planning Goals are as follows:

1. Goal 1 Citizen Involvement
2. Goal 2 Land Use Planning
3. Goal 6 Water and Land Resources Quality
4. Goal 9 Economic Development
5. Goal 11 Public Facilities and Services
6. Goal 12 Transportation
7. Goal 13 Energy Conservation

Goal 1 Citizen Involvement and Goal 2 Land Use Planning as provided by the City's Comprehensive plan are implemented through the processes required by Section 10.100 of the City's Land Usage Ordinance. These provisions have been followed throughout this legislative amendment process.

FINDING NO. 4

The proposed amendments have been processed in accordance with the standards provided under Section 10.100 of the Reedsport Land Usage Ordinance and which are consistent with the standards of Goal 1 and Goal 2 of the Statewide Planning Goals.

Goal 6 requires that all waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans.

The proposed amendments contemplate the cultivation and sale of marijuana. The sale of marijuana and marijuana infused products should produce no more burden on waste services than any other retail business as already provided for in the Commercial or Mixed Use Zones. The City's waste services have ample capacity to provide for such uses.

On the other hand the cultivation of marijuana may create discharges similar to those of an agricultural enterprise. These discharges are regulated by the Department of Environmental Quality DEQ and will be up to the operator of the grow facility to ensure compliance with applicable

regulations. The City will help the Department to enforce these regulations so as to not cause adverse impact to the City's wastewater, storm water or solid waste collection system.

Amendments to the Transportation System Plan and subsequent development would have no further impact on the water resource than it currently does.

FINDING NO. 5

The enterprises that result from the proposed amendments will be conducted in accordance with applicable State and local regulations ensuring consistency with applicable provisions of the City's comprehensive plan and State Wide Planning Goal 6.

Goal 9 requires the City to provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. The marijuana trade is a use similar to a liquor store, which is a retail use currently permitted in the Commercial and Mixed-Use zones. These uses provide entrepreneurs with a new opportunity to develop a new variation of business, not just in retail sales, but in producing, processing, testing, and research of marijuana. Further, the City's comprehensive plan charges City Staff and Planning Commission with the encouragement and promotion of small businesses in the community. While there may be some controversy over the development of marijuana dispensaries and grow facilities it is a state recognized use. With the existing state and local regulations the facilities will be compatible with existing uses.

The TSP amendments will further support local businesses by enhancing the highway facilities. Additional street-side parking is proposed in the uptown area where customer parking for existing businesses is limited. The addition of easy to access, safe to use parking may be beneficial in getting tourists to stop and shop the nearby businesses. The addition of bicycle lanes throughout town provides a secondary transportation mode to get residents in and out of business that provide everyday goods and services. The addition of a center turn lane beginning at 22nd Street and continuing to the intersection of Highway 38 will create a safer way for motorists to turn into businesses along those corridors.

FINDING NO. 6

The proposed amendments consistent with the applicable provisions of the City's comprehensive plan and State Wide Planning Goal 9.

Goal 11 requires the City to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. The Reedsport TSP document is the regulatory document that governs the development of public roads and highways in Reedsport. By completing the Pedestrian Study and updating the TSP the City is demonstrating its commitment to keeping this plan contemporary and relevant to issues here in Reedsport.

FINDING NO. 7

The proposed amendments are consistent with the applicable provisions of the City's comprehensive plan and State Wide Planning Goal 11.

Goal 12 requires the City to provide and encourage a safe, convenient and economic transportation system. As part of the development of the Pedestrian Study, a number of different scenarios were taken into account and the safest, most convenient and affordable plan was proposed. This plan took into account the size of the existing right-of-way, cost of improvements including long-term maintenance costs as well public benefit and safety. This plan, just like any, will need to be updated from time to time to remain contemporary.

FINDING NO. 8

The proposed amendments consistent with the applicable provisions of the City's comprehensive plan and State Wide Planning Goal 12.

Goal 13 requires the City to monitor land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. While the development of dispensaries within the community will have no greater impact on energy resources than any other retail commercial uses. Indoor grow facilities could potentially require additional energy for lighting and other related implements of such operations. However, when looked at in the broader sense, these facilities will not consume more electricity than was required by the forest related enterprises that were once prevalent in this area. In fact, these new enterprises will be required to meet the current (more restrictive) energy codes of today as provided by current building code. These codes assure that conservation is accounted for in all phases of development.

FINDING NO.9

The proposed amendments are consistent with applicable provisions of the City's comprehensive plan and State Wide Planning Goal 13.

FINDING NO. 10

The proposed amendments are consistent with all applicable Comprehensive Plan Policies and Statewide Planning Goals.

Will the proposed amendment adversely affect the public health, safety and general welfare?

The amendments to the RLUO regulating marijuana dispensaries provides a process for which marijuana dispensaries must apply and conform to the minimum standards set, in order to reduce health, safety and general welfare risks associated with the use on the public. Such minimum standards include proper disposal of waste products, ventilation systems, proper lighting and street facing businesses in order to provide safe access and allow for better monitoring by law enforcement, prohibiting the use of product on site, etc.

Marijuana grow sites will be reviewed in a conditional use permit process, in which public notice is mailed to surrounding property owners and public agencies. This process allows for testimony to be given in order to develop conditions, on a case by case basis, any safety, health or general welfare issues.

The proposed amendments to the RLUO are consistent with existing safety provisions of the Comprehensive Plan and Land Usage Ordinance. Applications for new uses, as a result of the amendments, will be viewed on a case by case basis ensuring compliance with state transportation rules, state building codes, current state regulations and existing utility providers. Any public health, safety and general welfare issues should be minimized via this process.

The Pedestrian Safety Study was accomplished in order to identify safe pedestrian and bicycle crossings along the US 101 and OR 38 corridors in Reedsport. Study data indicates that fatal and serious injury crashes have occurred in these areas. Thorough analysis and monitoring of the highway facilities was done as a part of this process. The proposed amendments are anticipated to improve safer pedestrian and bicycle crossings, especially in areas such as the 20th Street intersection where students frequently cross to the 7/11 during lunchtime. The

amendments also propose additional street side parking in the uptown area where parking is limited. New bike lanes will provide a buffer for tourists who utilize that parking, as they exit their vehicles and safely get to the sidewalk without having to open a vehicle door into the busy highway.

Furthermore, data shows that the average collision rate for the Highway 101 corridor is 3.01 collisions per million vehicle-miles traveled. This is nearly twice as much as ODOT's crash rate for similar road systems. The amendments to the TSP will create a plan which aims to alleviate this high rating and improve public safety. According to the Highway Safety Manual reducing from a four lane arterial to a three-lane facility could lower the collisions by 29%.

FINDING NO. 11

Any public health, safety or welfare concerns will be mitigated via the City's marijuana application process which will require the applicant to ensure compliance will all applicable local and state requirements as well as local utility providers.

FINDING NO. 12

Adoption of the TSP amendments will allow ODOT to complete improvements to Highway 101 between the 16th and 22nd Streets, which is expected to improve safety in the area.

What effect will the newly proposed amendment have on the existing developed land use pattern in the immediate area, specifically with respect to the question of land use compatibility?

The Planning Commission held a work session to consider the compatibility of the marijuana uses in the community. They considered physical and social elements in the community such as highways and the location of residential areas. The State currently restricts dispensaries to over 1000' from a school. The Planning commission proposed to add a 200' buffer from parks where children may be present and line of site restriction from the library. Such uses shall only be allowed in Commercial or Mixed-Use zoned properties. Grow facilities shall be limited to Industrial and Mixed-Use zoned areas only.

Besides locational restrictions, the RLUO regulates aesthetic and safety regulations, as well. These regulations addressed signage, store displays, lighting and disposal of marijuana

related refuse. Grow facilities will be regulated on a case by case basis via a conditional use permit process (public hearing).

The uses adjacent to the changes proposed between 16th Street and 22nd Street are a school, park, and various small businesses. The TSP amendments are compatible with these uses because safer pedestrian crossing methods can be implemented for students, park users, and business people to cross the highway. The amendments will allow for additional parking to the adjacent uses and a designated turn lane for safer vehicle flow in and out of business parking lots.

In areas along midtown and Old town, safe pedestrian crossings again support the many businesses throughout those areas. Enhanced bike lanes across town, provides a new method of transportation for residents to reach grocery stores, offices, and other services.

FINDING NO. 13

The proposed amendments are designed to specifically address compatibility issues with respective zones. The development of marijuana related facilities should have negligible impact on the community.

FINDING NO. 14

The TSP amendments provide safer routes to adjacent uses.

Will the proposed amendment be consistent with the function, capacity and performance standards for the streets used for access, consistent with the Reedsport TSP, the Oregon Highway Plan, and the Transportation Planning Rule?

While trip generation data is currently not available for marijuana dispensaries and grow facilities, the development of these types of uses should have little impact on the transportation system in the area. Dispensaries and grow facilities shall not be distinct to Reedsport as this is a statewide provision. Therefore, most clients of these facilities will be people in the area that already are accounted for in current traffic counts. Grow facilities are limited to employees onsite and to the occasional shipper. Therefore, the impact on the current traffic system should be negligible.

The amendments to the TSP propose changes that will affect US 101 and OR 38, which are identified as arterial streets in the City's TSP. The proposed amendments are supported by

the Oregon Department of Transportation. These amendments meet the Transportation Planning Rule and Oregon Highway Plan with one potential Design Exception to the Oregon Highway Plan. If US 101 beginning at 16th Street and heading northbound, is developed with a 14' left turn lane, rather than the less expensive redesign option that would allow for a 13' turn lane, a design acceptance would not be necessary.

With regard to capacity, an analysis utilizing ODOT's Future Highway Volume Table anticipates that the signals along US 101 will not be overloaded if the lanes are modified from four lanes down to two lanes with a center turn lane.

FINDING NO. 15

The proposed marijuana amendments are consistent with the Reedsport TSP, the Oregon highway plan and Transportation Planning Rule.

FINDING NO. 16

ODOT supports the proposal, which is also consistent with the Transportation Planning Rule and Oregon Highway Plan.

RECOMMENDATION

Based on the evidence contained in the entire Record Staff recommends approval of the proposed legislative amendments, as submitted.

Riley and Christine Spillar

1059 Ranch Rd.

Reedsport, OR 97467

(760)835-0779

We are responding to the Notice Of Public Hearing that will be held on December 14, 2015. Our concern is the legalization of marijuana.

Firstly, it is our concern for the young people and how it will affect their learning abilities and their studies. The results coming in from Colorado show an increase in use by nearly 14% for young people ages 12 to 17. The fact that marijuana is extremely addictive, according to the National Institute for Drug Abuse is a huge concern to me. One in nine users will become addicted, and that number will increase with legalization of the drug.

There is also a higher danger risk of driving while high because the drug will affect the driver's motor performance, perception and concentration.

Reedsport is a lovely community and this is the City that we chose to live in. We bought a lovely home and have enjoyed living there. We are concerned about the negative results that would come from this drug legalization.

All of RMHIDTA's stats:

In 2014, when retail marijuana businesses began operating, that in only a year:

- Marijuana-related traffic deaths increased 32 percent
- Almost 20 percent of all traffic deaths were marijuana related compared to only 10 percent less than five years ago
- Marijuana-related emergency department visits increased 29 percent
- Marijuana-related hospitalizations increased 38 percent
- Marijuana-related calls to the Rocky Mountain Poison Center increased 72 percent
- Diversion of Colorado marijuana to other states increased 25 percent

In 2013, the year marijuana was legalized in Colorado:

- Colorado teenagers now rank #3 in the nation for marijuana use and 56 percent higher than the national average
- Colorado college-age group now rank #2 in the nation for marijuana use and 54 percent higher than the national average

We don't want our city of Reedsport to be a testing ground for the outcome of legalizing marijuana. Please do not pass this law.

We thank you for your attention and listening to our point of view.

Sincerely,

Riley and Christine Spillar

We will not be able to attend this meeting as we are presently taking care of our 90 year old Mother out of state.

Jessica Terra

From: Wenzel, Gary <gwenzel@cencoast.com>
Sent: Monday, December 7, 2015 11:19 AM
To: 'Jessica Terra'
Subject: RE: Marijuana Grow Facilities

Hi Jessica,
Thanks for the reminder....this storm is keeping us busy.

As per our phone conversation, I would like to explore the possibility of having a note added to any Marijuana Grow Facilities applications submitted to the City of Reedsport for the applicant to contact Central Lincoln PUD for assurance of service. This would help us to take care of any overloading of our equipment before damage occurs. What is happening now growers are overloading existing services not rated for the grow lights which disrupts not only PUD facilities but the customer as well. Having the customer contact us first would allow us to assure proper service loading.

Thanks,
Gary

Gary Wenzel
Operations Supervisor
Florence



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