

Script for Legislative Land Use Public Hearing
(MARIJUANA REGULATIONS)

Mayor: We will now begin the agenda item concerning Florence's Marijuana Regulations. This agenda item will be an opportunity to hear and consider written or oral testimony on the proposed amendments to establish locational, site design, and operational criteria related to marijuana businesses within the City of Florence.

I will now turn it over to our City Recorder Kelli Weese to review the items required for a land use public hearing and officiate the public hearing procedures.

City Recorder: Thank you Mayor Henry. This is a joint meeting of the Planning Commission and the City Council. The Planning Commission will make a recommendation to the City Council based on the complete record, including the testimony received at tonight's public hearing. The City Council will then have the option of making a final decision on the ordinance based upon the recommendation of the Planning Commission, the complete record, and the testimony received at tonight's public hearing.

These proceedings will be recorded.

These hearings will be held in accordance with the land use procedures required by the City and the State of Oregon. This is a legislative land use action involving proposed changes to the City's zoning regulations under Title 10 of the Florence City Code.

At the beginning of the public hearing tonight, staff will identify the applicable substantive criteria from the City's Zoning Regulations, Florence Comprehensive Plan, and State Law. These criteria have also been listed in the staff report.

The hearing will proceed with the staff report, followed by an allowance for questions of staff.

For anyone wishing to speak, we are asking you to use the sign-up sheet that has been provided. Public comments will begin with those who signed the sign-up sheets that were on the tables as you entered the meeting room, and will allow for additional comments from those who seek to speak after that list is completed.

When coming up to speak, please sit down at the table in the middle of the room and state your name for the public record. It is very important that you please sit at the table provided for public speakers so that the microphone is able to pick up your comments for the record. We ask for your address on the sign-up sheet so that we may provide you notice on the City's eventual decision in this matter. It is very important that all parties address their comments to the Planning Commission and City Council, not to audience members.

Given the number of people present, we ask that each speaker limit themselves to no more than three minutes. All presentations will be timed beginning from the moment a speaker begins to speak. Presentations will use timed using the lighted timer (*gesture to it*). A green light means your time has started, a yellow light means you have thirty seconds left, and a red light and buzz will sound when the three minute period is up. All speakers exceeding the time limit will be asked by the Mayor to immediately conclude their remarks.

City Recorder: If you do not finish your presentation, be sure to provide a copy of your statement to the staff. Written testimony may also be offered and will be considered and made part of the record. To do that, either before or after you speak, please leave the material with me, the City Recorder. I will then make sure your evidence is identified and placed in the record.

All questions that are asked by the parties during their public comments will be responded to after all speakers have had an opportunity to speak. After each speaker, the Council and Planning Commission will be provided with an opportunity to ask clarifying questions of the speaker.

In order to minimize repetitive testimony, organizations are encouraged to have only one person speak for the group, with other members of the organization standing to show their support after the speaker has completed their presentation. Each person may testify only once, unless called back to the podium at the request of the Mayor to respond to a question.

Thank you for your cooperation.

City Recorder: With those instructions about the public hearing out of the way, I will ask if any Councilor or Planning Commissioner wishes to disclose an actual or a potential conflict of interest in this matter.

Councilors: Makes Declarations *(if any)*

[If Declarations are Made]

City Recorder: Councilor _____, do you believe that you can make a decision on this issue in an impartial manner?

Councilors: *(Councilor replies, if yes continue; if no, Councilor may recuse him/herself)*

City Recorder: Any person, during his or her testimony, has the right to rebut the substance of the ex-parte communications just disclosed.

Does any member of the public wish to challenge a Councilor's impartiality?

(If none, move on; if some, Councilor has the opportunity to rebut statement and makes a decision whether or not to continue or to recuse him/herself)

[actual conflict of interest – Councilor must announce the conflict and step down]

[potential conflict of interest - Councilor must announce the conflict & state whether (s)he is able to be impartial. If so, Councilor may participate; if not, decision-maker must step down]

[ex parte contacts - Councilor must announce the substance and context of the communication, then may participate.]

[Return to Script]

City Recorder: I now open the public hearing for Ordinance No. 12, Series 2015, it is _____ o'clock.

[Staff Report]

City Recorder: May we please have the staff report.

Planning Staff: Presents staff report [*Staff introduces the topic, staff report, and presents background information, and states list of criteria for approval.*]

City Recorder: Does any Planning Commissioner have questions of the staff? [*Planning Commission Questions of Staff – No Deliberations*]

City Recorder: Does any Councilor have questions of the staff? [*Council Questions of Staff – No Deliberations*]

[PUBLIC HEARING PROCEDURE]

City Recorder: Hearing no further questions from the Planning Commission & City Council of the staff, we will begin the taking public testimony. Copies of the written comments received prior to the hearing this evening have been distributed to the Planning Commission and the City Council.

City Recorder: Public Comments will begin with persons who signed the sign-in sheets prior to the meeting, and will allow for additional comments after those parties are concluded.

In order to avoid repetitive testimony, we ask that if you agree with the comments from a prior testimony, you simply come up to the table and state your name for the record, sign in if you have not already done so, and state that you agree with the prior testimony.

(City Recorder Calls Each individual name)

Party: Gives Testimony [if any]

City Recorder: City Councilors or Planning Commissioners, do you have any questions of the Mr. / Ms. _____?

Commissioners: Ask Questions [if any]

ADDITIONAL TESTIMONY

City Recorder: Now is the opportunity for other members of the audience who did not have an opportunity to sign in prior to the start of the meeting, to speak. Is there anyone else in the audience who wishes to speak to this issue?

Please sign in when you come to the table to speak.

Party: Gives Testimony [if any]

City Recorder: City Councilors or Planning Commissioners, do you have any questions of the Mr. / Ms. _____?

Commissioners: Ask Questions [if any]

[Staff Rebuttal]

City Recorder: Does the staff wish to respond to any of the testimony received?

Staff: Offers response [if chooses]

City Recorder: [if staff responds] – Councilors, do you have any questions of the staff?

[DECISION TO CLOSE OR LEAVE OPEN PUBLIC HEARING SUBJECT MATTER]

City Recorder: Now is the opportunity to discuss closing the public hearing. Does the Planning Commission, City Council or staff see any reason to continue the public hearing or hold record open to allow for additional arguments?

Hearing none, I now close the public hearing it is _____ o'clock.

[If Public Hearing is left open or hearing is continued]

Mayor: The City Council will continue discussions on Ordinance No. 12, Series 2015 at the December 21, 2015 City Council meeting. – [DONE WITH AGENDA ITEM - MOVE ON TO NEXT ITEM ON AGENDA]

[If Public Hearing is Closed –

Planning Commission Deliberations / Decision]

City Recorder: Now is the time for the Planning Commission to consider the record and the testimony heard tonight and deliberate on its recommendation to the City Council.

City Recorder: Chairperson Muilenburg, will you please facilitate deliberation on this agenda item with the Planning Commission, making sure to allow each Commissioner an opportunity to speak.

(Planning Commission Deliberates)

City Recorder: Hearing no additional deliberations, Chairperson Muilenburg, will you please facilitate the Planning Commission's decision on Resolution No. PC 18 19 TA 01 via motion, we can then proceed to a roll call vote.

(Planning Commission Decides)

[City Council Deliberations / Decision]

City Recorder: Now that the Planning Commission has provided you with their recommendation, Mayor Henry, will you please facilitate the deliberation on this agenda item, making sure to allow each Councilor an opportunity to speak.

(Council Deliberates)

City Recorder: Hearing no further deliberations, Mayor Henry, will you please facilitate the City Council's decision on Ordinance No. 12, Series 2015.

(MOVE TO ORDINANCE PROCEDURES)

Script for Quasi-Judicial Land Use Public Hearing
(OLD TOWN AREA A MANUFACTURING)

Mayor: We will now begin the agenda item concerning the manufacturing and wholesaling provisions in Old Town Area A. This agenda item will be an opportunity to hear and consider written or oral testimony on the proposed amendments to establish locational, site design, and operational criteria related to marijuana businesses within the City of Florence.

I will now turn it over to our City Recorder Kelli Weese to review the items required for a land use public hearing and officiate the public hearing procedures.

City Recorder: Thank you Mayor Henry. This is a joint meeting of the Planning Commission and the City Council. The Planning Commission will make a recommendation to the City Council based on the complete record, including the testimony received at tonight's public hearing. The City Council will then have the option of making a final decision on the ordinance based upon the recommendation of the Planning Commission, the complete record, and the testimony received at tonight's public hearing.

These proceedings will be recorded.

These hearings will be held in accordance with the land use procedures required by the City and the State of Oregon. This is a legislative land use action involving proposed changes to the City's zoning regulations under Title 10 of the Florence City Code.

At the beginning of the public hearing tonight, staff will identify the applicable substantive criteria from the City's Zoning Regulations, Florence Comprehensive Plan, and State Law. These criteria have also been listed in the staff report.

The hearing will proceed with the staff report, followed by an allowance for questions of staff. For anyone wishing to speak, we are asking you to use the sign-up sheet that has been provided.

When coming up to speak, please sit down at the table in the middle of the room and state your name for the public record. It is very important that you please sit at the table provided for public speakers so that the microphone is able to pick up your comments for the record. We ask for your address on the sign-up sheet so that we may provide you notice on the City's eventual decision in this matter. It is very important that all parties address their comments to the Planning Commission and City Council, not to audience members.

We ask that each speaker limit themselves to no more than three minutes. All presentations will be timed beginning from the moment a speaker begins to speak. Presentations will use timed using the lighted timer (*gesture to it*). A green light means your time has started, a yellow light means you have thirty seconds left, and a red light and buzz will sound when the three minute period is up. All speakers exceeding the time limit will be asked by the Mayor to immediately conclude their remarks.

If you do not finish your presentation, be sure to provide a copy of your statement to the staff. Written testimony may also be offered and will be considered and made part of the record. To do that, either before or after you speak, please leave the material with me, the City Recorder. I will then make sure your evidence is identified and placed in the record.

City Recorder: All questions that are asked by the parties during their public comments will be responded to after all speakers have had an opportunity to speak. After each speaker, the Council and Planning Commission will be provided with an opportunity to ask clarifying questions of the speaker. Each person may testify only once, unless called back to the podium at the request of the Mayor to respond to a question.

Thank you for your cooperation.

City Recorder: With those instructions about the public hearing out of the way, I will ask if any Councilor or Planning Commissioner wishes to disclose an actual or a potential conflict of interest in this matter.

Councilors: Makes Declarations *(if any)*

[If Declarations are Made]

City Recorder: Councilor _____, do you believe that you can make a decision on this issue in an impartial manner?

Councilors: *(Councilor replies, if yes continue; if no, Councilor may recuse him/herself)*

City Recorder: Any person, during his or her testimony, has the right to rebut the substance of the ex-parte communications just disclosed.

Does any member of the public wish to challenge a Councilor's impartiality?

(If none, move on; If some, Councilor has the opportunity to rebut statement and makes a decision whether or not to continue or to recuse him/herself)

[actual conflict of interest – Councilor must announce the conflict and step down]

[potential conflict of interest - Councilor must announce the conflict & state whether (s)he is able to be impartial. If so, Councilor may participate; if not, decision-maker must step down]

[ex parte contacts - Councilor must announce the substance and context of the communication, then may participate.]

[Return to Script]

City Recorder: I now open the public hearing for Ordinance No. 13, Series 2015, it is _____ o'clock.

[Staff Report]

City Recorder: May we please have the staff report.

Planning Staff: Presents staff report *[Staff introduces the topic, staff report, and presents background information, and states list of criteria for approval.]*

City Recorder: Does any Planning Commissioner have questions of the staff? *[Planning Commission Questions of Staff – No Deliberations]*

City Recorder: Does any Councilor have questions of the staff? *[Council Questions of Staff – No Deliberations]*

[PUBLIC HEARING PROCEDURE]

City Recorder: Hearing no further questions from the Planning Commission & City Council of the staff, we will begin the taking public testimony. Copies of the written comments received prior to the hearing this evening have been distributed to the Planning Commission and the City Council.

City Recorder: Now is the opportunity for other members of the audience to speak. Is there anyone in the audience who wishes to speak to this issue?

Please sign in when you come to the table to speak.

Party: Gives Testimony [if any]

City Recorder: City Councilors or Planning Commissioners, do you have any questions of the Mr. / Ms. _____?

Commissioners: Ask Questions [if any]

[Staff Rebuttal]

City Recorder: Does the staff wish to respond to any of the testimony received?

Staff: Offers response [if chooses]

City Recorder: [if staff responds] – Councilors, do you have any questions of the staff?

[DECISION TO CLOSE OR LEAVE OPEN PUBLIC HEARING SUBJECT MATTER]

City Recorder: Now is the opportunity to discuss closing the public hearing. Does the Planning Commission, City Council or staff see any reason to continue the public hearing or hold record open to allow for additional arguments?

Hearing none, I now close the public hearing it is _____ o'clock.

[If Public Hearing is left open or hearing is continued]

Mayor: The City Council will continue discussions on Ordinance No. 13, Series 2015 at the December 21, 2015 City Council meeting. – [DONE WITH AGENDA ITEM - MOVE ON TO NEXT ITEM ON AGENDA]

[If Public Hearing is Closed –

Planning Commission Deliberations / Decision]

City Recorder: Now is the time for the Planning Commission to consider the record and the testimony heard tonight and deliberate on its recommendation to the City Council.

City Recorder: Chairperson Muilenburg, will you please facilitate deliberation on this agenda item with the Planning Commission, making sure to allow each Commissioner an opportunity to speak.

(Planning Commission Deliberates)

City Recorder: Hearing no additional deliberations, Chairperson Muilenburg, will you please facilitate the Planning Commission's decision on Resolution No. PC 15 21 TA 03 via motion, we can then proceed to a roll call vote.

(Planning Commission Decides)

[City Council Deliberations / Decision]

City Recorder: Now that the Planning Commission has provided you with their recommendation, Mayor Henry, will you please facilitate the deliberation on this agenda item, making sure to allow each Councilor an opportunity to speak.

(Council Deliberates)

City Recorder: Hearing no further deliberations, Mayor Henry, will you please facilitate the City Council's decision on Ordinance No. 13, Series 2015.

(MOVE TO ORDINANCE PROCEDURES)

Marijuana Business Land Use Regulations

PC 15 19 TA 01

CC 15 04 TA 01



Criteria

Florence City Code, Title 10:

Chapter 1: Zoning Administration, Section 3-C
Chapter 4: Conditional Uses, Section 12: Additional Conditions

Realization 2020 Florence Comprehensive Plan:

Chapter 1: Citizen Involvement, Policies 4, 5, and 6
Chapter 2: Land Use: • Chapter 2: Land Use, Policies 1, and 3, Industrial, Policy 4
Chapter 9: Economic Development, Policy 1

Oregon Revised Statutes:

197.610: Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development
227.186: Notice to property owners of hearing on certain zone change

Statewide Planning Goals (OAR 660-015-0000):

1. Citizen Involvement
2. Land Use Planning
9. Economy of the State

Introduction

- **September 9, 2015** – Joint PC/CC Introductory Worksession
- **November 4, 2015** – Joint PC/CC Worksession - 1st Draft of proposed code amendments
- **November 18, 2015** – Joint PC/CC Worksession - 1st Draft of proposed code amendments
- **November 23, 2015** – Notice mailed to all property owners in zoning districts with proposed code amendments.
- **December 2nd and 9th** – Notice published in the Siuslaw News

Areas Affected by Proposed Changes

Waterfront/
Marine

Old Town
Area "A"

Bay Street

Siuslaw
River



Existing Code

B. Conditional Uses: Uses which are administratively determined to have an impact similar to or less than Conditional uses listed below. The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

Residential units: provided that any building facing a street (or streets if a corner lot) shall include a first story commercial use that occupies the first twenty-five feet (25') of the building(s) that face(s) a street. If pedestrian access to the dwelling(s) is from the street, it shall be a separate entrance and not more than six feet (6') wide.

Lodging, motels and hotels

Bed and Breakfast inns

Entertainment and recreational facilities (indoor)

Manufacturing and production of retail items sold on the premises (< 5000 s.f. w/retail)

Taxi stands

Commercial & public parking lots (ground level)

Public safety facilities (police and fire stations)

Accessory uses and structures, except activities that are permitted as a basic use and for required on-site parking

Proposed Code

10-17A-2 LAND USES FOR AREA A: The following establishes permitted, conditional, and prohibited uses for the Old Town District Area A:

B. Conditional Uses: Uses which are administratively determined to have an impact similar to or less than Conditional uses listed below. The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

Manufacturing and production of retail items sold on the premises (< 5,000 s.f. w/retail)
Wholesale sales of food and beverage items, provided those items are also sold on the premises within a retail space or restaurant (<5,000 s.f. without retail or restaurant) and loading of materials to be sold takes place on private property

C. Prohibited Uses: Uses that are administratively determined to have impact similar to or greater than a Prohibited use listed below are prohibited in this Area. The following uses are specifically Prohibited:

Wholesale sales, except as allowed above as a Conditional Use
 Warehousing, except as allowed above as a Conditional Use

Testimony

No Referral Comments Received

Testimony Received

Exhibit "D" – Noble & Henderson

Voiced concerns of livability with breweries, did not want large manufacturing in Old Town. Did support allowing the wholesale of products from restaurants.

Staff Response

- Manufacturing currently allowed
- Staff has proposed limiting to food & beverage
- Staff agrees that wholesaling of goods produced on-site under sq. footage requirements should be allowed.
- Staff proposes that small-scale brewing kept under the limit in place for manufacturing would be an attractive addition
- Staff would like to keep large-scale manufacturing and industry in the Business Park

Staff Recommendation

Staff finds that the proposed code amendments meet the requirements of City Code, the Florence Realization 2020 Comprehensive Plan and Oregon Revised Statutes and recommends approval of both Resolution PC 15 21 TA 03 and Ordinance No. 13, Series 2015.

Alternatives

1. **Approve the application based on the findings of compliance with City regulations;** or
2. Modify the findings or proposed code, and approve the request as modified; or
3. Deny the application based on the Commission's/Council's findings, or
4. Keep the written record open and continue the Public Hearing to a date certain if more information is needed; or
5. Close the public hearing and continue deliberations to a date certain, if needed.

Questions?



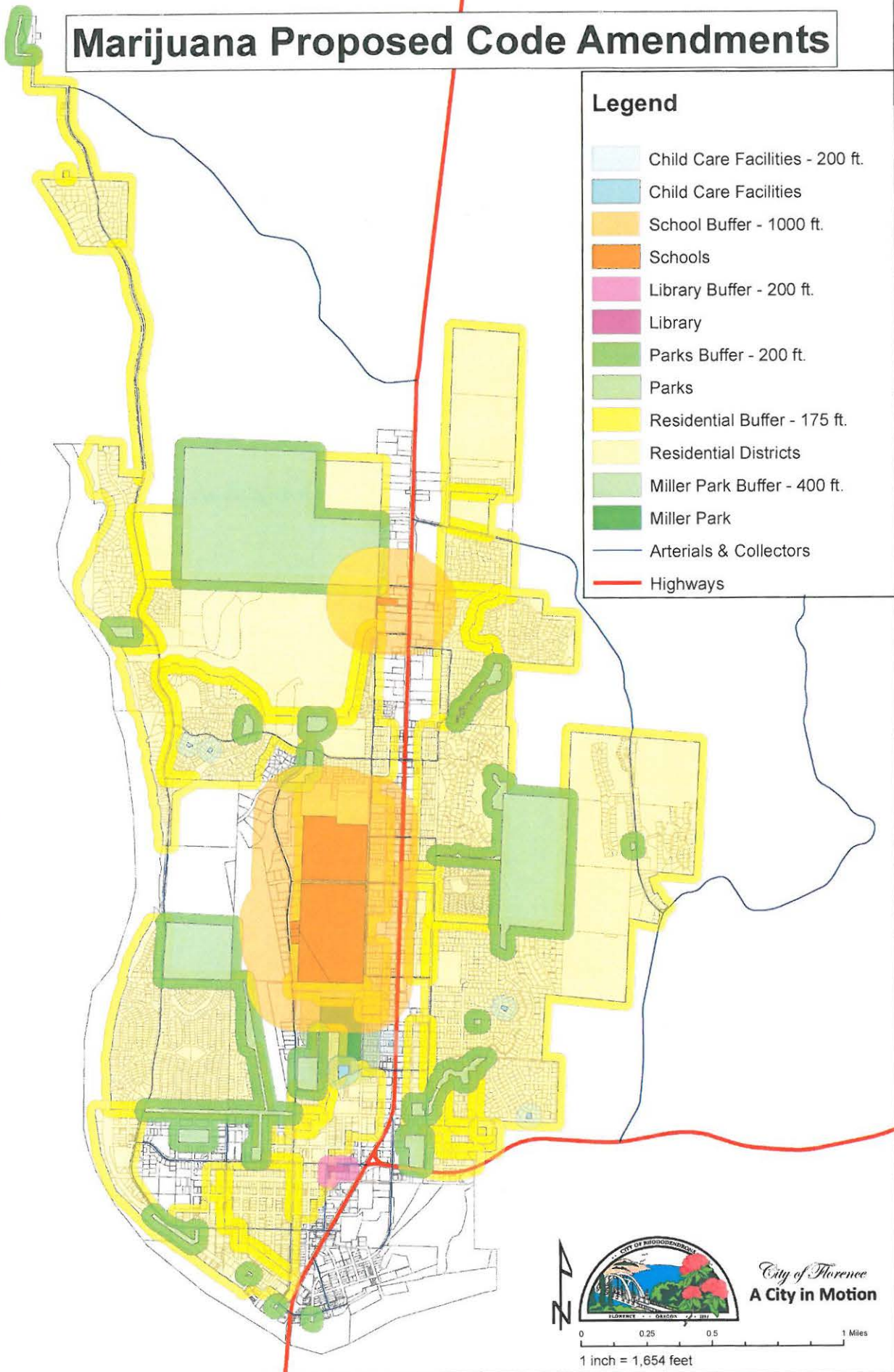
• Marijuana Businesses

12/14/2015 • 11

Marijuana Proposed Code Amendments

Legend

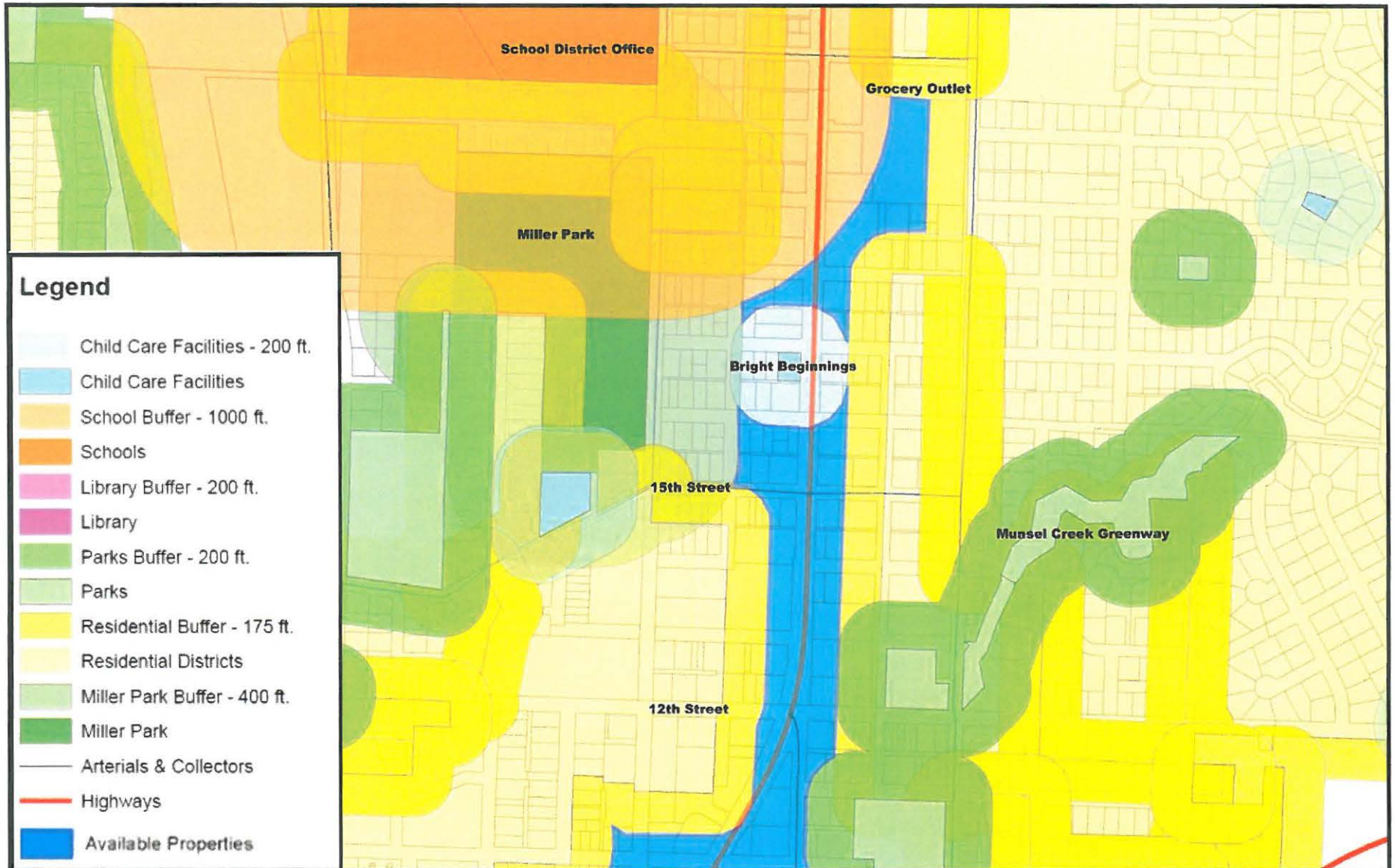
- Child Care Facilities - 200 ft.
- Child Care Facilities
- School Buffer - 1000 ft.
- Schools
- Library Buffer - 200 ft.
- Library
- Parks Buffer - 200 ft.
- Parks
- Residential Buffer - 175 ft.
- Residential Districts
- Miller Park Buffer - 400 ft.
- Miller Park
- Arterials & Collectors
- Highways



Commercial District Available Properties

Proposed Marijuana Code Amendment Buffers

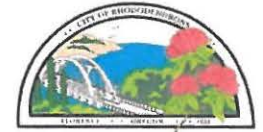
Applies to Retail Marijuana and Medical Marijuana Stores



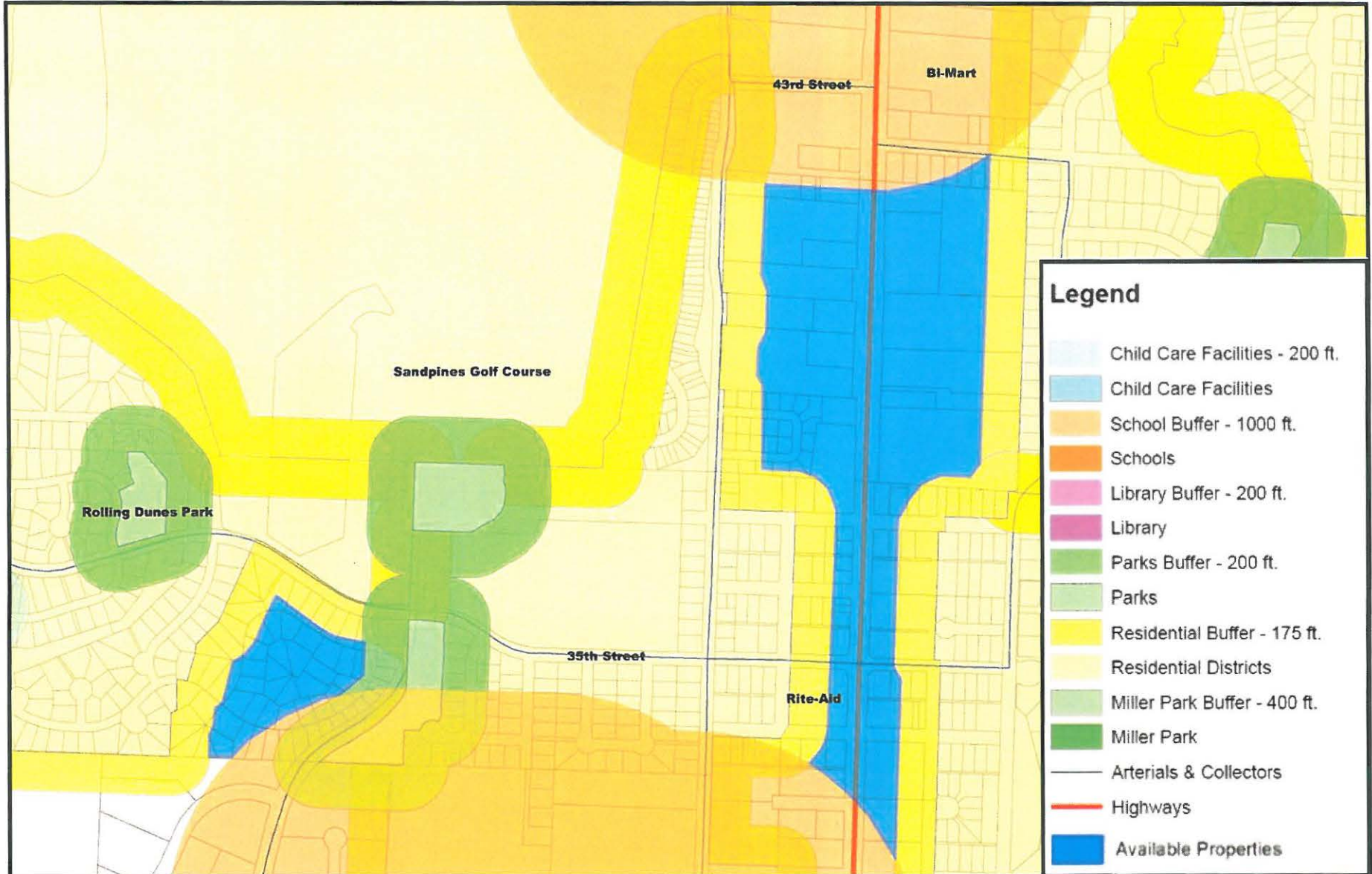
Highway District Available Properties (incl. Sandpines Comm. Zone)

Proposed Marijuana Code Amendment Buffers

Applies to Retail Marijuana and Medical Marijuana Stores



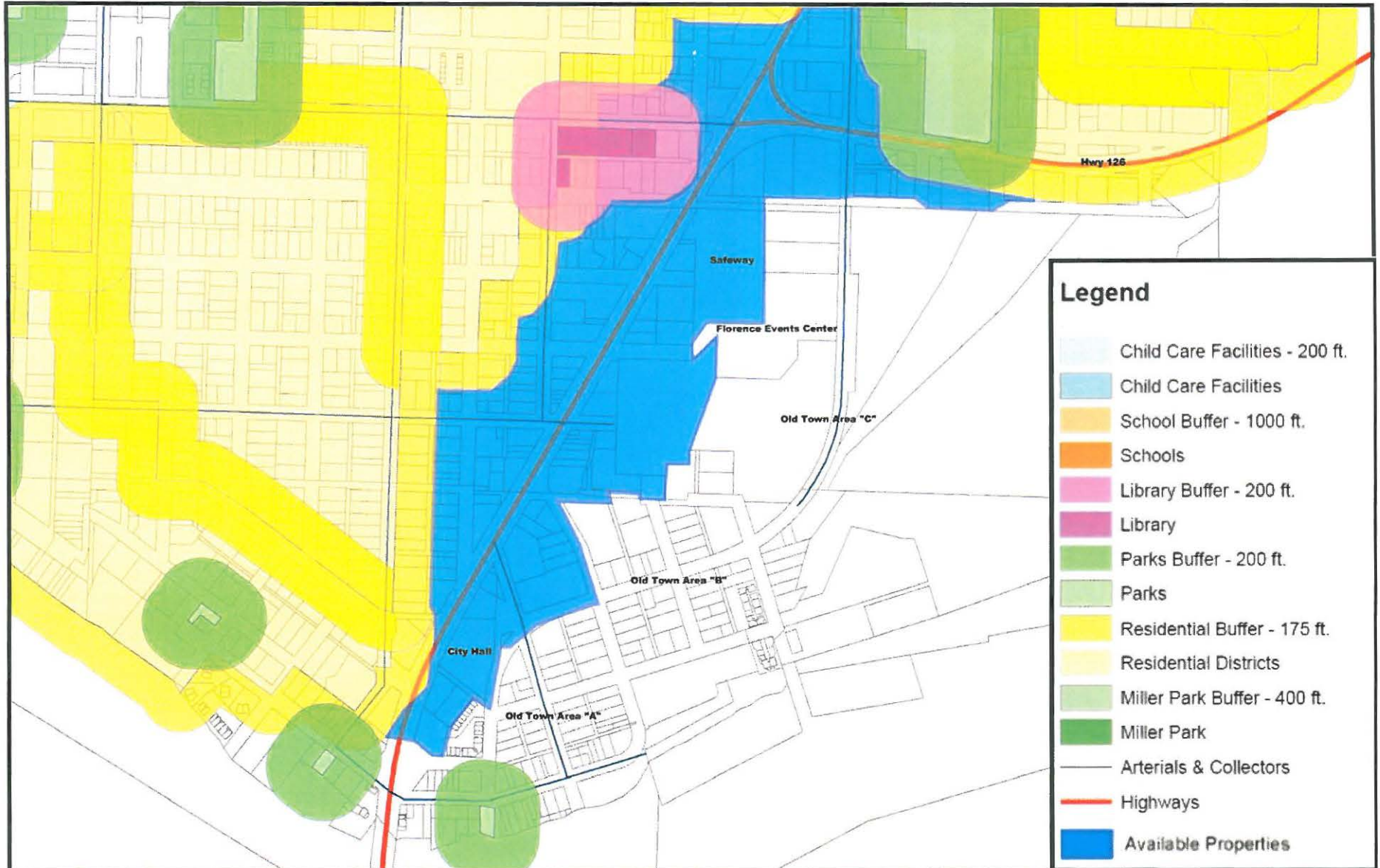
City of Florence



Mainstreet District Available Properties

Proposed Marijuana Code Amendment Buffers

Applies to Retail Marijuana and Medical Marijuana Stores



North Commercial District Available Properties

Proposed Marijuana Code Amendment Buffers

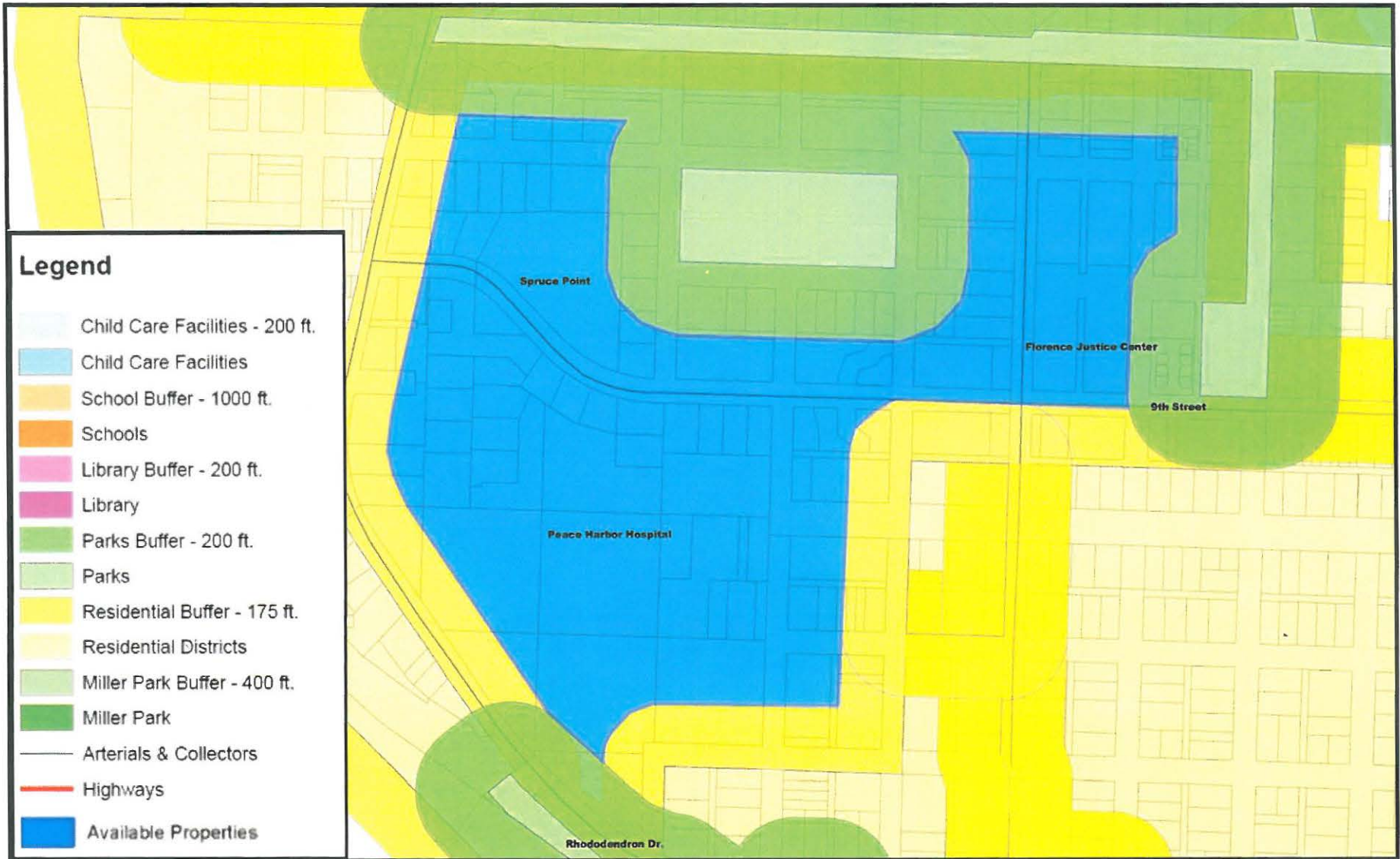
Applies to Retail Marijuana and Medical Marijuana Stores



Professional Office Institutional District Available Properties

Proposed Marijuana Code Amendment Buffers

Applies to Retail Marijuana and Medical Marijuana Stores



Recreational Marijuana Proposed Text Amendments - Post Card Responses

NEIGHBOR	LOCATION	CONTACT #	RESPONSE
Janette Long	Munsel Lake Rd	209-298-9011	Confused - Very Concerned (small children)
Alisa Dale	426 Ivy Street		Confused - Concerned
Mr. Pendinton	Old Town		Confused - Concerned
Bill Mason			Extremely Concerned - Angry (Got Him by the Short Hairs)
Joseph	679 Siana Loop		Concerned
John O'Malley	Yew Street		Concerned
Robert Olsen	Florentine		Extremely Concerned - Angry (Hung Up)
Bill Craven	Driftwood Shores		Very Unhappy
Mr. & Mrs. Orr	Willow Loop		Curious - Worried
Kevin Sponhern	Maple Street		Curious - Unhappy (Moving Away)
Carol Campbell			Concerned
Sylvia	Tomasino		Very Concerned (Nurse)
Jean Perry	Florentine		Concerned
Chuck Norris	Green Trees #59	541-997-8517	Very Concerned (Have Opened Up the Door)
Tom Payne	Bay Street		Curious
Dianna	off of 35th		Very Unhappy
Jason Nelson	Florentine - General Manager		Curious (wanted information for the residents)
Tom Fritz	Laurel Crossing #19	702-306-6872	Curious - Concerned
Merrel Ecker			"Thank You!" - (Hung Up)
Robert Middlebrook	20th		Confused - Concerned
Ron Goerzen	Sandpines West	541-902-9213	Curious - Concerned
Dave	35th Skookum	541-590-3557	Confused - Concerned

Raymond & Suzanne Neisley	436 Lelo Ct	541-997-3027	Very Concerned
Elizabeth	O.D. Golf Course		Concerned
Ursula Lovins	Florentine		Curious
Sherrie Boyce	Sebastian		Concerned
Andrew Vangor	Florentine	541-997-1323	Extremely Concerned
Richard Lewis	Shelter Cove		Curious - Concerned
Annette Metzler	2124 41st		Extremely Concerned (cried all night)
David Rude	Florentine		Curious - Concerned
Audrey Lerman	Florentine	541-997-7611	Very Concerned
Patricia Duncan	Florentine	541-997-5051	Concerned
Norm	owns property on 32nd		concerned about his property value
Joe Cole	owns #22 & #23 in Shelter Cove	760-739-8120	concerned about his property value
Robert Childers	owns property on 16th		concerned about his property value
Edna Wilmeth	owns property- Munsel Lake Rd	from Roseburg	concerned about his property value
Mark Paulson	owns condo- Drifwood Shores	From Reno, NV 775- 771-7290	concerned about his property value
Milt Peppitone	20th Street	541-902-0156	Greatly Apposed
Crystal & Husband	Green Trees		Concerned
Leah Essa	Willow Ridge Court	541-997-4056	Very Concerned
David Dukes	owns property- 22nd & Spruce	541-520-2215	concerned about his property value
Marilyn Medler	owns property- Airport Rd		concerned about her property value
Gene Shotwell	owns property- Coast Village	916-674-1231	concerned about property value
Gerald & Audrey Parker	owns property- Florentine	P.O. Box 4121 Anahiem, CA 92803	worried about marijuana in the city and concerned about property value
Dorothy Procopenko	owns property- Wild Winds	360-922-7607	concerned about property value

Glen Siefert	lives and owns property in town	541-999-6450	is apposed to it
Robin	owner- Silver Sand Dollar	541-999-0880	worried about it being in Old Town
Clark Binns		541-556-7096	concerned about property value
Jay Kosman			adamantly apposed

December 10, 2015

Florence Planning Department

This is in regard to ordinance 12, Series 2015, the proposal to "add and modify definitions and establish the permitted building and use provisions for marijuana production, processing, wholesaling, and sales facilities"

My wife and I live at 430 Myrna Loop, Florence Oregon, 97439. Our mailing address is 2006 Highway 101 #230, Florence Oregon 97439.

My wife and I strongly object to drugs in any form in the residential area we live in!!

From reading the postcard you sent it seems to us this is a commercial endeavor and if approved should be done in a commercial area NOT A RESIDENTIAL AREA!!

Sincerely

Marvin Strickland
MARVIN STRICKLAND

Diana Strickland
DIANA STRICKLAND





2261 Marie Lane
Eugene, OR 97408
December 8, 2015

Florence City Council & Planning Commission

Subject Ordinance 12, 13 section 2015

We own a building in Old Town on the corner of Bay St & Maple. We built it in 1983, moved Wind Draft Bakery at that time. Wind Draft had been across from the Kyle Bldg.

We do not want marijuana to be grown, processed or sold in Old Town. At the present time we had "pot" smokers smoking behind our building. It's difficult getting them off of our property.

Various people have told us of the stink processing marijuana creates. "Worse than a skunk" Would any of you enjoy living or working next to that?

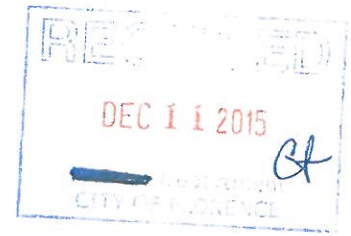
Allowing the above would be a huge mistake! It would give the wrong impression to tourists and others. If some people avoid the area, business will slow, employees could be laid off. Remember one dollar goes around town five times. If property values fall, less money will go to the city of Florence.

Old Town is certainly not perfect, but never was. I remember in the 70's we drove our kids to the movies in Old Town and picked them up. So many queers getting drunk, getting into fights etc. Think of all the people of Florence, not those out for a quick buck.

Sincerely yours
Lonna Burke
Bay St. Properties LLC

10 December 2015

Kelli Weese, City Recorder
Florence City Council
City Hall
250 Highway 101
Florence OR 97439



Re: Ordinance No. 12, Series 2015


I will not be able to attend public hearings on this measure, but I wish to have my views considered, thus this letter. I'm retire and my wife and I moved here in 2000. Florence is a wonderful little town that has gained national recognition (at least twice) as one of the most desirable spots in the US to retire.

First, Let my say that I am not and never have been a marijuana user, but I have no problem with those who do use the drug, either medicinally or recreationally. Also, I voted for legalization of marijuana, because I believed (and still do) that is was the best solution to a bad problem.

Having said that, my problem with Ordinance 12 is that it is of absolutely no benefit to the Florence community. It only benefits those involved in marijuana "production, processing, wholesaling and sales." Sales is currently done in town. My biggest concern is 'production and processing' - Greenhouses? In town? Where would processing take place?

We have no wineries, breweries or distilleries (who produce compounds used recreationally like marijuana), so why have marijuana processors?

The proposed ordinance makes no sense for citizens of Florence and in fact would, if passed, be to the detriment of our community.


John Weatherwax
1990 Willow Loop
Florence, OR 97439

Re: City of Florence Ordinance 12, Series 2015 & Resolution PC 15 19 TA 01

The City Council of Florence and
Planning Commission Members

In regard to allowing recreational Marijuana manufacture and sale in Florence:

We question the City's promotion of an activity that is expressly prohibited under Federal Law. 1) As citizens, we are not willing to have our sparse tax dollars spent on thorny legal issues with the government, or lawsuits in the public sphere. 2) And aside from the illegality of manufacturing and selling recreational marijuana, it sets a very questionable precedent for the community's growth.

It's a matter of direction rather than economics. Our City has the responsibility of promoting growth that is attractive to present and future families. We believe any growth of the marijuana 'industry' here would be unsavory in the long term.

In the early 1970's, Florence had the dubious distinction, nationwide, of having the highest per capita rate of alcoholism and suicide in the nation. (Time and Life) Old Town and the City have worked hard to change that image and become a wholesome destination for tourists, retirees, and hopefully in the future, more young families. We are opposed to any movement toward making drugs *and alcohol* our *raison d'être* in the business community, and ostensibly the "only way we can make money". We have proven so far to be more creative than that, and as a result, successful.

Surely we should be thinking in terms of livability for the entire community, rather than the "bottom line" of a few individuals.

Stuart and Joann Henderson
The Kyle Building
1297 Bay Street
Florence, Or

Stuart Henderson
Joann Henderson



Exhibit S

Dec. 11, 2015

NOTE:

From Gerald E./Audrey B. Parker

Pursuant to conversation with vevie,
the city employee, regarding Growing Marijuana
in Florence.

We Did not want Marijuana to come
to Florence or even Oregon state.

Audrey B. Parker → Gerald E. Parker



Exhibit T

Gerald E & Audrey B. Parker
PO Box 4121
Anahelm, CA 92803

SANTA ANA, CA 92705
11 DEC 2015 PM 10 L



CITY of Florence
250 Highway 101
Florence, OR 97439

97439762850

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

City of Florence Public Hearing 12/14/15

In reference to Ordinance No.12 Series 2015

This letter serves as our voice in the matter due to myself,(Sue Sophan) and Meuy Sophan cannot attend tonights meeting for work related reasons. We live on Wecoma Loop off 35th street with the dunes Golf Course property directly behind our home. We do not condone the use of marijuana and feel it should never have been made legal. Therefore we do not want it grown,harvested or sold anywhere near our home and neighborhood. We have a child in our home and we do not want marijuana anywhere near our son. There are plenty of properties North or South of town where a structure can be built for this purpose. I am sure I speak for most of my neighbors who are elderly. We have lived in our home 19 years and enjoy the quiet of our cul-de-sac which we share with another family. Our children play out on the cul-de-sac and we do not want the road to go through,nor do we want any danger or uncertainties near our children and homes. Thank you for your time.

Sue Sophan and Meuy Sophan

764 Wecoma Loop,Florence



Federal Guidance

Cole Memo directs states to prevent:

- Distribution of marijuana to minors
- Revenue from the sale of marijuana from going to criminal enterprises, gangs and cartels
- Diversion of marijuana from where it is legal under state law to other states
- State-authorized activity from being used as a cover for illegal activity
- Violence and the use of firearms in the cultivation and distribution of marijuana
- Drugged driving and other adverse public health consequences associated with marijuana use
- Growing of marijuana on public lands
- Marijuana use on public property

**CITY OF FLORENCE
ORDINANCE NO. 12, SERIES 2015**

**An Ordinance amending Florence City Code Chapters 1, 3, 4, 15, 16, 17, 20, 21, 25,
27, 28, 30, and 31 of Title 10 concerning marijuana related businesses; and
declaring an emergency**

RECITALS:

1. The Florence City Council initiated amendments to implement marijuana related business standards via their 2015 Work Plan by motion on February 17, 2015.
2. On November 9, 2015 notice of the proposed code amendments was sent to the Department of Land, Conservation and Development, not less than 35 days prior to the first evidentiary hearing.
3. On November 23, 2015, the City sent notice to affected property owners pursuant to ORS 227.186 notifying them of the joint Planning Commission and City Council public hearing, as well as posted the proposed code amendments on the web site.
4. On November 24, 2015, the City sent notice to Referral Agencies about the proposed amendments and the public hearing.
5. On December 1, 2015 and December 9, 2015, notice of hearing was published in the Siuslaw News, prior to the joint Planning Commission and City Council hearings of December 14, 2015.
6. City Council and Planning Commission held joint work sessions on November 4 and 18, 2015.
7. Planning Commission opened their public hearing December 14, 2015 and then closed it and deliberated to a decision for a recommendation to the City Council on December 14, 2015.
8. City Council conducted a public hearing on December 14, 2015 and found the amendments consistent with applicable criteria in Florence City Code, Realization 2020 Florence Comprehensive Plan, Oregon Administrative Rules and Oregon Revised Statutes.
9. The City Council has deemed that the Ordinance shall be passed via emergency in order to meet the permitting timelines established by the Oregon Liquor Control Commission (OLCC), which will begin to accept licenses for Marijuana businesses on January 4, 2016, and will subsequently require local agencies to complete a Land Use Compatibility Statement (LUCS).

Based on these findings,

THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. The Florence City Code Chapters 1, 3, 4, 15, 16, 17, 20, 21, 25, 27, 28, 30, and 31 of Title 10: Zoning Regulations, are amended as shown in Exhibit B.
2. The Council declares an emergency and as such this ordinance shall take effect at a date earlier than the thirtieth day after its enactment as set out in the Florence City Charter Section 31. This ordinance shall become effective January 1, 2015.
3. The City Recorder is authorized to administratively correct any reference errors contained herein or in other provisions of the Florence City Code to the provisions added, amended, or repealed herein.

ADOPTION:

First Reading on the 14th day of December, 2015.

Second Reading on the 14th day of December, 2015

This Ordinance is passed and adopted on the 14th day of December, 2015.

AYES - 5 Councilors Greene, Preisler, Lacer, Lyddon and Mayor Henry
NAYS - 0
ABSTAIN -0
ABSENT -0

Joe Henry, Mayor

Attest:

Kelli Weese, City Recorder

TITLE 10
CHAPTER 1

ZONING ADMINISTRATION

SECTION:

10-1-4: Definitions

10-1-4: DEFINITIONS: For the purpose of this Title, certain words, terms and phrases are defined below. Words used in the present tense include the future; the singular number includes the plural; and the word "shall" is mandatory and not directory. Whenever the term "this Title" is used herewith it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted. Definition contained in the Florence Comprehensive Plan shall also be used to define terms used in this Title of the Florence City Code, and, where conflicts exist, the terms used in this Code shall apply to the respective Code requirements. Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference.

MARIJUANA PROCESSING SITE A location for compounding or converting of marijuana into medical products, concentrates, or extracts under the authority of the Oregon Health Authority.

MARIJUANA PROCESSOR The compounding or converting of marijuana into products, concentrates, or extracts under the authority of the Oregon Liquor Control Commission.

MARIJUANA PRODUCER The manufacture, planting, cultivation, growing and harvesting of marijuana under the authority of the Oregon Liquor Control Commission.

MARIJUANA RETAILER A retail business licensed by the Oregon Liquor Control Commission to sell marijuana items to consumers in this state.

MARIJUANA WHOLESALER The purchase of marijuana items in this state for resale to a person, other than a consumer, under the authority of the Oregon Liquor Control Commission.

MEDICAL MARIJUANA FACILITY DISPENSARY A location to transfer marijuana registered with the Oregon Health Authority. Formerly or also known as a Medical Marijuana Facility. ~~medical marijuana dispensary business required to register with the Oregon Health Authority under ORS 475.314.~~

MEDICAL MARIJUANA PRODUCTION The manufacture, planting, cultivation, growing and harvesting of marijuana at a specific location registered by the Oregon Health Authority to produce marijuana for medical use by a specific patient. Also defined by the OHA as a "grow site."

HOME OCCUPATION Any use customarily conducted entirely within a dwelling or accessory building and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which does not change the character thereof or does not adversely affect the uses permitted in

the district of which it is a part. Home occupations are permitted by this Title, provided they conform with the following criteria:

- A. No employment of help other than the members of the resident family.
- B. No use of material or mechanical equipment that is inconsistent with the residential character of the neighborhood.
- C. No sales of products or services not produced on the premises.
- D. The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.
- E. It shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
- F. No storage of materials/supplies outdoors.
- G. It shall not involve the use of signs and/or structures other than those permitted in the district of which it is a part.

H. The use shall be conducted entirely within a building.

I. Medical and recreational marijuana producers and processors shall also comply with the criteria outlined in FCC 10-4-12-I.

Section 10-1-4 amended by Ord. No. 12, Series 2015 (effective 00/00/00)

Old Town Wholesaling Code Amendments

PC 15 21 TA 03
CC 15 07 TA 03



Criteria

Florence City Code, Title 10:

Chapter 1: Zoning Administration, Section 3-C
Chapter 17: Old Town District, Section 1, A-2-B, and A-2-C

Realization 2020 Florence Comprehensive Plan:

Chapter 1: Citizen Involvement, Policies 4, 5, and 6
Chapter 2: Land Use: Other Plan Designations, Policy 1, Downtown Planning Area
Chapter 9: Economic Development, Policy 1

Oregon Revised Statutes:

197.610: Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development
227.186: Notice to property owners of hearing on certain zone change

Statewide Planning Goals (OAR 660-015-0000):

1. Citizen Involvement
2. Land Use Planning
9. Economy of the State

Introduction

- **October 29, 2015** – Applicant applied for code amendment
- **November 23, 2015** – Application deemed complete
- **November 23, 2015** – Notice mailed to all property owners in Old Town Area "A" and Waterfront/Marine zoning districts
- **December 2nd and 9th** – Notice published in the Siuslaw News

• Old Town Wholesaling

12/14/2015 • 3

Areas Affected by Proposed Changes

Waterfront/
Marine

Old Town
Area "A"

Bay Street

Siuslaw
River



• Old Town Wholesaling

12/14/2015 • 4

Existing Code

B. Conditional Uses: Uses which are administratively determined to have an impact similar to or less than Conditional uses listed below. The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

Residential units: provided that any building facing a street (or streets if a corner lot) shall include a first story commercial use that occupies the first twenty-five feet (25') of the building(s) that face(s) a street. If pedestrian access to the dwelling(s) is from the street, it shall be a separate entrance and not more than six feet (6') wide.

Lodging, motels and hotels

Bed and Breakfast inns

Entertainment and recreational facilities (indoor)

Manufacturing and production of retail items sold on the premises (< 5000 s.f. w/retail)

Taxi stands

Commercial & public parking lots (ground level)

Public safety facilities (police and fire stations)

Accessory uses and structures, except activities that are permitted as a basic use and for required on-site parking

Proposed Code

Staff has proposed a modification of the code previously submitted. Staff recommends the following changes to the proposed code for FCC 10-17A-2-B:

Manufacturing and production of food and beverage items sold on- and off-premises, when accompanied by a retail space and/or restaurant on-premises where those items are sold (≤5,000 square feet not including retail/restaurant area) and loading of materials to be sold off-site takes place on private property.

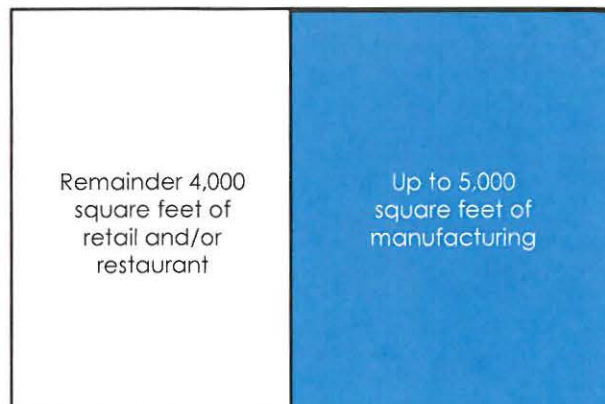
Proposed Code

In addition, staff recommends the following change to proposed code for FCC 10-17A-2-C:

Wholesale sales, except as allowed above as an accessory to a Conditional Use

Warehousing, except as allowed above as an accessory to a Conditional Use

What does this look like?



9,000 square foot building

Testimony

No Referral Comments Received

Testimony Received

Exhibit "D" – Noble & Henderson

Voiced concerns of livability with breweries, did not want large manufacturing in Old Town. Did support allowing the wholesale of products from restaurants.

Staff Response

- Manufacturing currently allowed
- Staff has proposed limiting to food & beverage
- Staff agrees that wholesaling of goods produced on-site under sq. footage requirements should be allowed.
- Staff proposes that small-scale brewing kept under the limit in place for manufacturing would be an attractive addition
- Staff would like to keep large-scale manufacturing and industry in the Business Park

Staff Recommendation

Staff finds that the proposed code amendments meet the requirements of City Code, the Florence Realization 2020 Comprehensive Plan and Oregon Revised Statutes and recommends approval of both Resolution PC 15 21 TA 03 and Ordinance No. 13, Series 2015.

Alternatives

1. Approve the application based on the findings of compliance with City regulations; or
- 2. Modify the findings or proposed code, and approve the request as modified; or**
3. Deny the application based on the Commission's/Council's findings, or
4. Keep the written record open and continue the Public Hearing to a date certain if more information is needed; or
5. Close the public hearing and continue deliberations to a date certain, if needed.

Questions?



● Old Town Wholesaling

12/14/2015 ● 13

AGENDA ITEM SUMMARY (UPDATED)
FLORENCE CITY COUNCIL

ITEM NO: 4
Meeting Date: Dec. 14, 2015
Department: Planning

ITEM TITLE: Ordinance No. 13, Series 2015 / Resolution PC 15 21 TA 03: Old Town Wholesaling – Legislative Code Amendments to Title 10

DISCUSSION/ISSUE:

Discussion

As part of the discussion regarding this proposed code with Ross Williamson, City Attorney, staff discussed several options which may resolve some outstanding issues with the currently proposed code, including clarity, intent, structure, and wording. Staff would like to propose the reworking of the proposed code as follows:

Manufacturing and production of food and beverage items sold on- and off-premises, when accompanied by a retail space and/or restaurant on-premises where those items are sold (≤5,000 square feet not including retail/restaurant area) and loading of materials to be sold off-site takes place on private property.

The City Attorney and Staff recommend this revised code in order to eliminate wholesaling as its own use and include wholesaling (an off-premises sale) as an accessory use to the manufacture of food and beverage goods. The revised code also eliminates “without” from the statement about area, clarifying that manufacturing should take place with a retail/restaurant area in all cases.

In addition, the City Attorney recommended that the list of Prohibited Uses (FCC 10-17A-2-C) should address wholesaling as an accessory use which would be covered by the above clause, and should address warehousing as such:

Wholesale sales, except as allowed above as an accessory to a Conditional Use
Warehousing, except as allowed above as an accessory to a Conditional Use

Additional Testimony

Attached to this AIS as Exhibit “D” is additional testimony from Sue Noble and Joanne Henderson.

FISCAL IMPACT:

There would be no known direct financial impact to the City.

RELEVANCE TO ADOPTED COUNCIL GOALS:

The approval of Ordinance No. 13, Series 2015 will diversify the types of businesses allowed within the Old Town Area "A" zoning district, meeting the 2015 Council goal of "Expand and diversify the Florence economy (Goal 2)."

ALTERNATIVES:

1. Approve the application based on the findings of compliance with City regulations; or
2. Modify the findings or proposed code, and approve the request as modified; or
3. Deny the application based on the Commission's/Council's findings; or
4. Continue the Public Hearing to a date certain if more information is needed; or
5. Close the public hearing and continue deliberations to a date certain, if needed.

RECOMMENDATION:

Staff finds that the proposed application meets the requirements of City Code, the Florence Realization 2020 Comprehensive Plan, and the Oregon Revised Statutes and recommends the approval of Resolution PC 15 21 TA 03/Ordinance No. 13, Series 2015.

AIS PREPARED BY: Glen Southerland, Assistant Planner

CITY MANAGER'S RECOMMENDATION: Approve Disapprove Other
Comments:

ITEMS ATTACHED: B. Proposed Code Amendments (Revised)
D. Noble & Henderson Testimony

**TITLE 10
CHAPTER 17**

OLD TOWN DISTRICT

SECTION

10-17A-2 Land Uses for Area A

OLD TOWN DISTRICT AREA A

10-17A-2 LAND USES FOR AREA A: The following establishes permitted, conditional, and prohibited uses for the Old Town District Area A:

- B. Conditional Uses:** Uses which are administratively determined to have an impact similar to or less than Conditional uses listed below. The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

Manufacturing and production of food and beverage items sold on- and off-premises, when accompanied by a retail space and /or restaurant items sold on-on-the premises where those items are sold (<= 5,000 s.f. w/retailquare feet not including retail/restaurant area) and loading of materials to be sold off-site takes place on private property

- C. Prohibited Uses:** Uses that are administratively determined to have impact similar to or greater than a Prohibited use listed below are prohibited in this Area. The following uses are specifically Prohibited:

Wholesale sales, except as allowed above as an accessory to a Conditional Use
Warehousing, except as allowed above as an accessory to a Conditional Use

Established by Ord. No 1, Series 2008 – effective Feb. 4, 2008

Sections 10-17A-2, 10-17B-2, 10-17C-2,10-17A-4, 10-17B-4 and 10-17C-4 Amended by Ord. No. 9, Series 2009

Sections 10-17B-3-E and 10-17C-3-E, Amended by Ord. No. 2, Series 2011 – effective March 11, 2011

Sections 10-17-A-4-G, 10-17-B-4-G, and 10-17-C-4-G amended by Ord. No. 4, Series 2011 – effective April 22, 2011

Sections 10-17A-2, 10-17A-4, 10-17B2, 10-17B-4, 10-17C-2, and 10-17C-4 amended by Ord. No. 3, Series 2013, see Exhibit B (effective 7-31-13)

Section 10-17A-4-E amended by Ordinance No. 4, Series 2014 – effective October 15, 2014

Section 10-17-A-4-I-5, 10-17-B-4-I-5, and 10-17-C-4-I-4 amended by Ord. No. 12, Series 2014 – effective December 31, 2014

Section 10-17A-2-B amended by Ordinance No. 13, Series 2015 – effective January 12, 2016

Submitted Dec.14, 2015

In reference to Ordinance No. 13, Series 2015

Public Hearing - December 14, 2015

Since the applicant makes no mention of establishing a restaurant at the site proposed as a brewery we must assume that the brewery is either connected to an existing bar/restaurant or will primarily wholesale or will have a tasting room/bar/retail outlet on-site, but none of these require that the brewery, as a manufacturing plant, be located in congested Old Town .

Issues of odor control, noise, parking and traffic congestion are serious livibility issues for residents, as well as visitors trying to enjoy the ambiance of Old Town which has flourished in its current form without factories and manufacturing.


It is somewhat ingenious of applicants to equate commercially brewing beer with the wholesaling of prepared food products from an existing restaurant kitchen . It would *be* perfectly reasonable for an ordinance change so that restaurants in old town using their own kitchens have the right to wholesale products if they do not have the right to do so, but that has nothing to do with establishing a commercial brewery.

This ordinance, if passed, opens up a possibility that the entirety of Old Town, and the area as shown on the map attached to the notice of public hearing, will be opened to manufacturing industry with unknown, or few limitations.

Applicants have already mentioned a future need to expand the brewery - but surely not at that location with such limited square footage. If neighboring or adjacent land were purchased it would enlarge the industrial footprint. This is the type of industry that would be better served in our underused industrial park area. Thought should be put into developing the Kingwood area as a mixed-use neighbor and a brewery could be the catalyst for other small businesses and manufacturers.

Respectfully yours:

Susan Noble
1336 Bay St.
P.O. box 87, Florence, OR.



Joanne Henderson
1297 Bay St.
P.O. Box 1762, Florence, OR.

