

CITY OF FLORENCE PLANNING COMMISSION
April 28, 2015 ** MEETING MINUTES **

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

Chairperson Muilenburg opened the meeting at 7:00 p.m. Roll call: Chairperson Curt Muilenburg, Vice Chair John Murphey, Commissioners Robert Bare, Chic Hammon and Alan Burns were present. Also present: Planning Director Wendy FarleyCampbell, Assistant Planner Glen Southerland and Planning Administrative Assistant Vevie PopplewellWalker.

APPROVAL OF AGENDA

Vice Chair Murphey motioned to approve the Agenda, Commissioner Hammon seconded. By voice, all ayes. The motion passed.

APPROVAL OF MINUTES

Commissioner Bare motioned to approve the Minutes of April 14, 2015 with the corrections on page one regarding the call to order and page four regarding the correct close time of the hearing. Vice Chair Murphey seconded. By voice, all ayes. Minutes approved.

PUBLIC COMMENTS

*This is an opportunity for members of the audience to bring to the Planning Commission's attention any items **NOT** otherwise listed on the agenda. Comments will be limited to **3 minutes per person**, with a maximum time of 15 minutes for all items.*

There were no public comments.

PUBLIC HEARING:

Chairperson Muilenburg said that there were three public hearings before the Planning Commission that evening. The hearings would be held in accordance with the land use procedures required by the City in Florence City Code Title 2 Chapter 10 and the State of Oregon. Prior to the hearing(s) tonight, staff will identify the applicable substantive criteria which have also been listed in the staff report. These are the criteria the Planning Commission must use in making its decision. All testimony and evidence must be directed toward these criteria or other criteria in the Plan or Land Use Regulations which you believe applies to the decision per ORS 197.763 (5). Failure to raise an issue accompanied by statements or evidence sufficient to afford the Planning Commission and parties involved an opportunity to respond to the issue may preclude an appeal of this decision based on that issue. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval without sufficient specificity to allow the Planning Commission to respond to the issue that precludes an action for damages in circuit court. Any proponent, opponent, or other party interested in a land use matter to be heard by the Planning Commission may challenge the qualification of any Commissioner to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a Commissioner's bias, prejudgment, personal interest, or other facts from which the party has concluded that the Commissioner will not make a decision in an impartial manner.

RESOLUTION PC 15 09 CUP 04 – 18th St Single Family Residence in Multi-Family District: An application from Mike & Kristi Unruh requesting approval of a Conditional Use Permit to build a single-family residence, a 1426 sq. ft. home with a 2-car garage in a Multi-Family District. The home will be located at 1912 18th Street, Assessor's Map 18-12-26-22, Tax Lot 08700.

CP Muilenburg opened the hearing at 7:04 p.m.

CP Muilenburg asked if any of the Planning Commissioners wished to declare any conflicts of interest, ex parte contacts, site visits, or bias. No Commissioner had anything to declare. CP Muilenburg asked if the public had any challenges to any commissioner's impartiality in making this decision. There were no challenges.

CP Muilenburg asked for the staff report.

Staff Report

AP Southerland delivered staff report, Resolution PC 15 09 CUP 04 – 18th St Single Family Residence in Multi-Family District. AP Southerland presented the applicable criteria review for the application and gave a brief introduction including the 1962 date of the original construction, demolition of the home in 2006 and recent application received for the new Single Family Residence. He identified aerial maps of the site that showed specific location, site plan, and one testimony in the form of support. Staff stated that the application met applicable criteria and recommended approval with Condition #3 regarding the expiration of conditional use permit of April 28, 2016, Condition #4 regarding the height of the building, Condition #5 regarding access and circulation, & Condition #6 regarding the lighting abiding with the current code. Informational items covered parking/storage, turnaround area, the possible need to upgrade/update utilities, and the possibility of a new curb cut. See attachment.

CP Muilenburg asked Commissioners if there were any questions for Staff. There were no questions.

CP Muilenburg asked for the applicant.

Applicant Testimony – Kristi Unruh - P.O. Box 1657, Florence, OR 97439

The applicant, Ms. Unruh indicated the lighting was going to consist of only one on each side of the garage and one on the porch. Ms. Unruh was prepared to answer questions. There were no questions.

CP Muilenburg asked if the applicant had read and understood the conditions of approval. Ms. Unruh stated that she had read the conditions and had no problems with them. She did, however, have a question and concern regarding the request for a zoning change. PD FarleyCampbell explained that the city established zoning based on land inventory of land needed and due to the property's proximity to the highway it is more suitable for a higher density land use because of possible conflicts of being next to a commercial use area.

CP Muilenburg opened up the opportunity for any proponents, opponents, or interested neutral parties to speak. There were no proponent comments.

Opposed – Lillian Petersen – P.O. Box 96, Florence, OR 97439

Ms. Petersen came forward to speak of her opposition to the medical marijuana facility. CP Muilenburg reminded Ms. Petersen that the present hearing was for a conditional use permit for single family residence and she would have an opportunity to speak later at the third Hearing regarding the medical marijuana facility. Ms. Petersen continued by expressing her complaints regarding her ongoing Maple Street parking issues that involved her neighbor. CP Muilenburg redirected the hearing with the request of any neutral comments. There were no neutral comments. CP Muilenburg clarified there would be no rebuttal due to the fact that Ms. Petersen had directed comments during the incorrect hearing and asked for staff's response and recommendation. AP Southerland said that the application did meet the requirements of City Code and staff recommended that the Planning Commission approve the request for conditional use permit with the approval of Conditions as outlined.

CP Muilenburg closed the hearing at 7:17 p.m.

Commission Discussion

CP Muilenburg asked the Commission for any added comments. There were no other Commissioner questions for staff.

Commissioner Burns motioned to approve Resolution PC 15 09 CUP 04 – 18th St. Single Family Residence in Multi-Family District, Commissioner Bare seconded the motion. By roll call vote: Commissioner Hammon “yes”; Vice Chair Murphey “yes”; CP Muilenburg “yes”; Commissioner Bare “yes”; Commissioner Burns “yes”. The motion passed.

RESOLUTION PC 15 07 CUP 03 – Single Family Residence in Highway District: An application from Tom Pfeiffer on behalf of the Florence Habitat for Humanity requesting approval of a Conditional Use Permit to build a single family residence, a 900 sq. ft. home with a 2-car carport and 80 sq. ft. enclosed storage area in the Highway District. The home will be located north of 37th Street, between Highway 101 and Spruce Street, Assessor’s Map 18-12-23-22, Tax Lot 1001.

CP Muilenburg stated that all public hearing procedures continued to apply.

CP Muilenburg opened the Public Hearing at 7:18 p.m.

CP Muilenburg asked if any of the Planning Commissioners wished to declare any conflicts of interest, ex parte contacts, site visits, or bias. No Commissioner had anything to declare. CP Muilenburg asked if the public had any challenges to any commissioner’s impartiality in making this decision. There were no challenges. CP Muilenburg asked for the staff report.

Staff Report

PD FarleyCampbell delivered staff report, Resolution PC 15 07 CUP 03 – Single Family Residence in Highway District. PD FarleyCampbell presented the legal description, applicable criteria and gave a brief introduction on the vacant property with no previously approved uses. She continued with the aerial of the site noting it met compatible use criteria both south and east, and utilities to service the additional residence. PD FarleyCampbell pointed out on the tax map where the request to locate pins was important to ensure there would be no property encroachment from the north or the east, and detailed the site and elevation plans noting the driveway layout that would allow safer backing movements. PD FarleyCampbell concluded that staff found the proposed application met city code and recommended approval with Condition #3 regarding the permit expiration date met, Condition #4 regarding the utilities which include clarification and possible easement and maintenance agreement, Condition #5 regarding access resolution including curb cut & vision clearance, Condition #6 regarding lighting and Condition #7 regarding fences being in good repair with no encroachment on the property and again, mentioned the need to locate the pins. See attachment.

CP Muilenburg asked for clarification of the property line. PD Farley Campbell responded that it was not demarcated but appeared to be right on the driveway curb cut. Commissioner Bare questioned asked if the property pins had actually been located. PD FarleyCampbell replied that the applicant may know however, to her knowledge nothing had been submitted to indicate any confirmation of location.

PD FarleyCampbell continued to wrap up the staff presentation and informed that there had been no public testimony received, Public Works Director, Mike Miller did submit comments regarding the requirement of sidewalk construction and possible driveway curb cut replacement to be consistent with current code and match elevations and she stated that the applicant would coordinate with Public Works Director to determine what would be best suited for the site. PD Farley concluded by saying that the proposal did meet the criteria with the conditions as listed and recommended approval of the application.

Commissioner Bare requested clarification of the water meter situation along with the possible easement. PD FarleyCampbell responded that the City had been implementing their greater than seven year record keeping and due to the fact the previous application submitted was in 2003 there were no records scanned however, the staff report at that time indicated there was a water meter found that was probably on the applicants property and not on public right of way.

Commissioner Hammon asked about the percentage of coverage and indicated that the lay of the land over the driveway cut in the photo looked as though the property may not be level and wondered if it might be a potential swamp. PD FarleyCampbell responded that the City did not have any record of storm water flooding in the Storm Water Management Plan for the area, had not been identified as an area for flooding concern, and was not located on any wetland map. She added it was her understanding that the applicant would be adding some fill dirt to bring property level up and avoid the possibility of flooding.

CP Muilenburg asked if there were any additional questions from Commissioners. There were none.

CP Muilenburg questioned how the possible encroachments, curb cut, and utilities management should affect the Planning Commission decision as it could be a civil matter. PD FarleyCampbell agreed that it could be a civil matter and if the water meter is found to be on the site and the Public Works Director does not require them to move it then the easement would be required so that City staff could maintain the water meter. She added that because of the type of ownership, you would not want that kind of burden on a future owner. PD FarleyCampbell commented that she would be happy to change the wording in Condition #4.2 if the Commission so desired. Commissioner Bare indicated that he liked the wording of PD FarleyCampbell in Conditions #4.1 & #4.2 and felt it was good as is.

Commissioner Hammon questioned whether there was just the one meter for the two lots. PD FarleyCampbell confirmed there was just the one meter and added that a new meter would have to be established on public property. CP Muilenburg emphasized that the Commission would require a separate meter. PD FarleyCampbell agreed and assured that the two properties would not be able to share a meter or a sewer line. CP Muilenburg stated that the burden should be on the existing property owner and not the property owner that has the meter. PD FarleyCampbell concluded that it was only possible to make applicant aware of certain actions along with different options that need to be met. CP Muilenburg restated that the Commission decision would have no bearing, if they can get it done, they can get it done and the City would not be liable in approving a conditional use permit with these issues present. PD FarleyCampbell agreed that as long as they obtained the easements or relocated the lines as indicated but also pointed out there had been no timeline put in place. Commissioner Hammon questioned that if the one existing meter is off of public right of way, shouldn't it be moved back on to public right of way, anyway. PD FarleyCampbell agreed that it should however it was the meter that belonged to the existing home and is was not something that could be required of the current property owner, which may be a challenge during the coordination and time it takes to resolve the situation.

There were no other questions for staff.

Applicant Testimony- Kate Redwine, Executive Director - P.O. Box 3302, Florence, OR 97439

Applicant Testimony - Tom Pfeiffer, Board Member - 2002 N. Highway 101, Florence, OR 97439

Mr. Pfeiffer pointed out that based on a close look at the right of way line the water meter may not even be an issue. He was not certain as to the exact location of the sewer. Ms. Redwine commented that they were marked.

Mr. Pfeiffer said that Habitat had no issues with the conditions that had been set in place for approval.

Commissioner Bare questioned whether or not applicant had actually located the property lines. Mr. Pfeiffer indicated that there had been a pin located in the north east corner and a post in another corner however

nothing would be confirmed until the surveyor came. Commissioner Bare reiterated, to confirm that applicant would have a surveyor come to locate the pins. Mr. Pfeiffer said yes. He also mentioned that there had been an RV parked but was now gone.

CP Muilenburg questioned the curb cut and wondered that if it were determined that the curb was not on the property, if applicant would be cutting a new one. Mr. Pfeiffer replied that the curb was on the applicant's property and they would use the existing curb cut. He added they also had plans to install a fence along the property line to eliminate any future use from adjacent property owner.

Commissioner Bare requested more information regarding the plan for fill to build up the pad. Mr. Pfeiffer stated that because there would first be the need for timber and brush removal he was uncertain of how much fill would be needed, but anticipated possibly a couple of feet.

Commissioner Hammon questioned if there had been any conversation with neighboring residents. Mr. Pfeiffer indicated there had not been any conversation and other than the fact the people in the RV were not happy about having to move, there had been no communication.

CP Muilenburg opened up opportunity for any proponents, opponents, or interested neutral parties to speak. There were no proponents, opposed or interested and neutral parties to provide testimony. CP Muilenburg asked for Staff response and recommendation.

PD FarleyCampbell responded first with clarification that Public Works felt they would be able to work with the existing curb cut but it will largely depend on the orientation of the sidewalk and neighboring property owner information had been provided to the builder so they would be able to follow up. PD FarleyCampbell said that the application did meet the requirements of City Code and staff recommended that the Planning Commission approve request for conditional use permit with the approval met of Conditions as outlined.

CP Muilenburg closed the hearing at 7:52 p.m.

Commission Discussion

CP Muilenburg asked the Commission for any added comments. There were no other Commissioner questions for staff.

Commissioner Hammon asked if there were any other sidewalks on the street. PD FarleyCampbell responded that there were not. Commissioner Hammon concluded that there would be a 50 foot sidewalk to nowhere. PD FarleyCampbell noted that in Chapter 35 it is required that all new development constructs sidewalks. CP Muilenburg concluded that the idea was eventually, the sidewalk would all be filled in.

Vice Chair Murphey motioned to approve Resolution PC 15 07 CUP 03 – Single Family Residence in Highway District. Commissioner Bare seconded the motion. By roll call vote: Commissioner Hammon “yes”; Vice Chair Murphey “yes”; CP Muilenburg “yes”; Commissioner Bare “yes”; Commissioner Burns “yes”. The motion carried.

RESOLUTION PC 15 10 CUP 05 – Medical Marijuana Facility in Mainstreet District: An application from Dustin Foscett requesting approval of a Conditional Use Permit for a medical marijuana facility in the Mainstreet District. The building is located at 1480 Rhododendron Drive, on the east side of Highway 101 & south of Rhododendron Drive, Assessor's Map 18-12-27-44, Tax Lot 11500. Proposed hours of operation are daily from 10:00 a.m. to 7:00 p.m. The applicant is currently seeking State approval for the facility.

CP Muilenburg opened the hearing at 7:57 p.m.

CP Muilenburg asked if any of the Planning Commissioners wished to declare any conflicts of interest, ex parte contacts, site visits, or bias. No Commissioner had anything to declare. CP Muilenburg asked if the

public had any challenges to any commissioner's impartiality in making this decision. There were no challenges. CP Muilenburg asked for the staff report.

Staff Report

AP Southerland delivered staff report, Resolution PC 15 10 CUP 05 – Medical Marijuana Facility in Mainstreet District. AP Southerland listed applicable criteria and provided a short introduction including the 1958 original construction, the 1986 addition and the 2011 ADA ramp approval. He continued with details of the aerial of the site pointing out current usage of the existing alley. AP Southerland presented the Parking/Lighting Plan and indicated that the applicant would be providing more details regarding the height and the cast of the lighting from Exhibit C. AP Southerland said that regarding the Landscaping Plan, the applicant had intentions of rehabilitating some of the existing plants to meet the requirements. AP Southerland said there were no referral comments received and no public testimony received and Staff found the proposed application met the requirements of City Code with Conditions #2.1 & #2.2 regarding the building permits, Conditions #3.1 – #3.8 regarding parking, Condition #4 regarding expiration dates, Condition #5 regarding Oregon Health Authority approval, Condition #6 regarding design for adequate lighting plan specifically the proposed parking light that does not meet new lighting code, Condition #7 regarding zoning provisions Condition #8 regarding landscaping specifically with the planting of additional trees and shrubs to meet the requirement and that the raised curb shall be installed, Condition #9 regarding driveway and parking pad with appropriate signage included, Public Works Director approval, Condition #10 regarding lighting approval, and Informational #1 regarding possible utility upgrades and #2 regarding the possible curb cut replacement.

Vice Chair Murphey questioned Condition 6.1 and wondered if the muted coastal theme pallet was defined in City Code. AP Southerland responded that it was not, however the color just needed to be something that one would find and would fit in to a coastal community.

Commissioner Hammon wondered if the alley that was shown on the drawing meant driveway. AP Southerland clarified there was a designated alley as well as a driveway. Commissioner Hammon then asked if the driveway would be made a one way. AP Southerland explained that it would allow passage of one vehicle at any one time and because there was just the one posted ADA parking area behind the building there should not be an issue. Commissioner Hammon said that he thought it had to be indicated one way. Ms. Petersen added that it was one lane. CP Muilenburg reminded Ms. Petersen she would have the opportunity to speak. AP Southerland stated that Condition #9.1 had read one way and it could be changed to one lane. He also emphasized the effort to keep parking separate and clear from the 1464 Rhododendron location.

Vice Chair Murphey asked if the entire shared lot would be paved or just the applicant's portion. AP Southerland clarified it would just be the applicant's portion and stated that a parking pad was already installed as part of the 2011 approval so the installation of a driveway from Rhododendron Drive/5th Avenue will be the only pavement requirement.

CP Muilenburg questioned the vegetation and invoking of the street tree code and that it seemed like a lot of plantings. AP Southerland responded that it was not and that in fact the applicant actually had some room between the parking pad and the existing shrubbery and that would help meet their required landscaping. CP Muilenburg questioned the tree/shrub ratio. AP Southerland confirmed that applicant proposed one in seven, one tree for every seven shrubbery with a total of two to twelve. CP Muilenburg wanted to know the code that required the applicant to bring in so much shrubbery. AP Southerland replied 10-34-3-3. CP Muilenburg wondered if that code just applied to the Mainstreet District. AP Southerland restated that it was the same code for anyone within the City.

CP Muilenburg questioned the whether the length of the curb would extend to both sides. AP Southerland indicated that the main objective was for the curb to be used as protection for the ADA ramp from vehicular

traffic however if the Commission deemed it appropriate, extending it to the west could be added to the conditions. There were no other questions for staff.

Applicant Testimony - Dustin Foscett - 940 D Street, Springfield, OR

Mr. Foscett stated that his testimony consisted of a public address as well as an address to the conditions and distributed additional information and evidence in the effort to meet the Planning Commission's approval. Mr. Foscett then thanked the Planning Commission and AP Southerland and began his presentation with an address to the public regarding and stating the applicant's mission statement. Mr. Foscett emphasized the growing statewide efforts to provide a safer and beneficial alternative by ending the prohibition which has taken it off of the streets, eliminated the opportunity for the illegal purchase by minors, and promoted a debt free and revitalized living environment. Mr. Foscett gave extensive detail regarding applicant's compliance measures to meet the conditions that had been set in place and assured that concerning Condition #5, the applicant distributed a receipt and was legally registered and their Oregon Health Authority approval was in good standing. Mr. Foscett spoke specifically recognizing Condition #7.2 regarding emanating odors from the facility and stated that the sealed and packaged process would abide by the strict local and State standards. Mr. Foscett expressed that in regards to Condition #8 the applicant had the desire to purchase landscaping inventory from local merchants and regarding Condition #9 applicant had interest to increase the paved parking area that would add two additional parking spaces and indicated that currently in Mapleton there are services provided for approximately one patient an hour. Mr. Foscett highlighted Condition #10 regarding lighting and acknowledged that the facility will be as dark sky friendly as possible without promoting theft. Mr. Foscett concluded and again thanked the Commission for the opportunity to delivery his presentation.

Commissioner Burns asked for clarification regarding the applicant's comments about minors illegally on the streets and wanted confirmation that minors were not legally allowed in the facility. Mr. Foscett responded that minors were not allowed in the facility and his comments had merely been driven to ease any issues of public concern over minors acquiring the marijuana illegally. Commissioner Burns added that minors cannot get marijuana legally as well. Mr. Foscett pointed out that there were State provisions that if a minor had a specific condition then the parent or legal guardian would be able to enter the facility and acquire the marijuana for the minor, but minors were not allowed to enter the facility.

Commissioner Burns questioned why a certain certain who was not an applicant, was noted on the payment receipt confirmation for the Oregon Health Authority.

Applicant Testimony - Michele Wilson - P.O. Box 233, Mapleton, OR 97453

Ms. Wilson stated that she had been conducting much of the secretarial and online application process. She went on to explain that their bank would not authorize their bank card to finalize the application and pay the fee and so the credit card of the other individual was used to pay the application fee. Commissioner Burns added that the payment receipt had nothing to indicate an application had been submitted for the Florence location. Ms. Wilson said that the receipt that Commissioner Burns referred to was the only one available to print out at the time. Mr. Foscett also said that he had the medical marijuana dispensary number MMD14224 available and would be able to contact the Oregon Health Authority if that is what the Commissioners wanted. Commissioner Burns confirmed that the Commissioners would like to have evidence that the receipt was specifically targeted to the Florence location and brought in to the City of Florence at applicant's earliest opportunity. Mr. Foscett said that would be done.

CP Muilenburg requested clarification of whether 18 or 21 was the age in the reference of a minor without the consent of a guardian. Ms. Wilson responded that the State had approved the age to be 18 and over however, upon the advice of their lawyers, the dispensary in Mapleton had established the practice of not

dispensing to anyone who was under 21 years of age. Mr. Foscett stated that if they are under 21 years of age, they must be accompanied by a legal guardian. Ms. Wilson added that it could not be dispensed to a partner or caregiver.

CP Muilenburg asked if applicant agreed to the conditions. Mr. Foscett answered yes.

CP Muilenburg questioned the actual amount of shrubs & trees that applicant was planning to install. Mr. Foscett clarified that there would be twelve shrubs and two trees.

CP Muilenburg opened up the opportunity for any proponents, opponents, or interested neutral parties to speak.

Opponent - Lillian Petersen - P.O. Box 96, Florence, OR

Ms. Petersen said that her daughter was a nurse and had told her that it was very difficult to tell the amount of marijuana that is in a person in an accident and so until there is some way for people to get an actual gauge on how much marijuana is in a person, then she was very much against it, especially in Florence. Ms. Petersen questioned why the Mapleton dispensary wasn't close enough and they would not have so many children involved as there would be in Florence. She also expressed her concern over the possibility of everyone growing it all around and detailed that in Boston it is known what kind of marijuana is grown in Deadwood, Oregon and she wondered if that is the area that it is grown, why isn't it the area where it is dispensed. Ms. Petersen concluded that she was going to say something about the horrible condition the alley was in, but decided not to say anything about it.

Opponent - Ms. Gini James - P.O. Box 386, Florence, Oregon

Ms. James indicated that she was not against medical marijuana and thought that it was wonderful for people who needed it but she was in hopes that didn't open up for the full recreational level because she was very much against that. Ms. James stated that she ran the Florence hot line with the Soroptomist organization and many of the calls that came in were somehow associated with marijuana. She also mentioned that she felt the alley that actually ran behind her business there was heavily traveled and in horrible condition and that the City needed to do something about it. Finally, Ms. James felt that the medical marijuana should be kept in the pharmacies. CP Muilenburg reiterated to Ms. James that there would be no traffic from the dispensary using the alley and the hearing was not to platform for that discussion.

Proponent - Judith Kingsmill - 85562 Pine Street, Florence, OR

Ms. Kingsmill stated that medical marijuana is widely used in the community and that it is time that people should be allowed to be able to choose. Ms. Kingsmill said that she felt many of the people in the community that she knew who used the medical marijuana for various medical reasons would be able to hold their heads up a little higher. She concluded with the statement that unfortunately we would never be able to stop the youth from taking numerous drugs in small towns as well as big cities and that she was more concerned about the people who really need the medical marijuana and especially those who are unable to drive very far.

Proponent - Gerald Brockett - 2876 Munsel Lake Road, Florence, OR

Mr. Brockett began by thanking the Planning Commission for moving the approval along and stated that his wife had Multiple Sclerosis. He continued by relating how she had tried the medical marijuana a couple of years ago when the prescription that she had taken for nine years which had adverse side effects and was no longer available and confirmed that even at age 74, he was not able to go in to the dispensary and pick up the marijuana for his wife so he was not concerned about minors being able to go into the dispensaries. Moreover, Mr. Brockett expressed that he was more concerned about alcohol and the effects that it has on people. Mr. Brockett said that he was grateful that he does not have to drive clear to Eugene especially given

the fact that his wife has to go with him because he cannot pick it up for her. He stated that he felt that if we were to close down the medical marijuana dispensaries then we should close down the liquor stores, too. Finally, Mr. Brockett said that he was not a promoter of marijuana but he was a promoter of the medicinal use and what it had done for the treatment of his wife as a viable medical tool to be used and not abused. He concluded that it was an issue that was very near and dear to his heart and that he was thankful not to drive that crooked and unsafe road to Eugene.

There were no neutral comments.

Rebuttal

Dustin Foskett said that he appreciated all of the testimony, he was not proposing to cut through the alley and that is why he was looking across the street to possible utilize additional parking on the gravel, and assured that he had full intention of being neighborly and work for the benefit of all businesses in the area.

CP Muilenburg asked for staff's response and recommendation.

AP Southerland said that he would not be debating the legality of recreational marijuana however, responded regarding the DUI testing and stated that it was a state law that driving under the influence was prohibited and the City Police remained on the lookout and were properly trained to deal with that issue. AP Southerland stated that a list of frequently asked questions regarding the medical marijuana dispensaries had been included in the packet and pointed out that any growing of marijuana in the City was prohibited. AP Southerland addressed the alley upkeep and clarified that it was in the City Code that it was the responsibility of the surrounding property owners to maintain the alley and he did suggest that the Planning Commission possibly add a curb recommendation to prevent through traffic. AP Southerland said that the application did meet the requirements of City Code and with the inclusion of a possible curb staff recommended that the Planning Commission approve request for conditional use permit with the Conditions as outlined.

CP Muilenburg closed the hearing at 9:03 p.m.

Commission Discussion

CP Muilenburg asked the Commission for any added comments. There were no other questions for staff.

Vice Chair Murphey clarified that decisions are based on the ORS Statutes, City Code and the Comprehensive 2020 Plan, without anything personal feelings.

CP Muilenburg asked for feedback on the extension of the curb. C Burns said that he had no problem with the extension of the curb and he also wanted to state that if approved, Mr. Foskett would provide the copy of proof of receipt for the medical marijuana dispensary showing that the site was here in Florence. CP Muilenburg requested that the aerial be put up to view and suggested that if the curb came up to some shrubbery so that there would be no passing then the curb could end at that point. PD FarleyCampbell encouraged flexibility based on the storm water and drainage issues that the applicant may have to deal with. Vice Chair Murphey indicated that the curb extending all the way may cause trip and fall hazard as well. CP Muilenburg was also concerned about cars driving over it. Commissioner Hammon commented that shrubs would also help to turn down the headlights of incoming cars. Commissioner Bare indicated that with the potential drainage issues a curb may not be a consideration. CP Muilenburg restated that the purpose would be to protect the ADA ramp.

Vice Chair Murphey motioned to approve Resolution PC 15 10 CUP 05 – Medical Marijuana Facility in Mainstreet District with changes regarding Condition #5.1 by providing proper State documentation and Condition #8.5 pertaining to landscaping. Commissioner Burns seconded the motion. By roll call vote: Commissioner Hammon “yes”; Vice Chair Murphey “yes”; CP Muilenburg “yes”; Commissioner Bare “yes”; Commissioner Burns “yes”. The motion passed.

CP Muilenburg asked if the applicants agreed to the conditions of approval. The applicants stated that they understood and agreed to the conditions of approval. Mr. Foskett requested clarification that they would be able to meet the requirement of protecting the ADA ramp with their requirement of the twelve shrubs as screening. AP Southerland confirmed that based on the code the exact location of the required shrubbery could be planted at the applicant's discretion.

PLANNING COMMISSION DISCUSSION ITEMS

There were none.

DIRECTORS REPORT

PD FarleyCampbell briefly stated that the monthly Council report from April 20th had been included in the packet and pointed out the increase in building permits that had been issued. She mentioned that since the Planning department was experiencing a small reprieve in the month of May it was hoped to conduct some long awaited training for the Commissioners. Commissioner Bare asked about the expansion of Commissioners and PD FarleyCampbell reported that there would be two Commissioners added and indicated that they would probably be seated in June. Commissioner Bare said that he would be out of town for much of the next couple of months due to a personal commitment and Commissioner Hammon said that he would be gone for most of the month of June.

Vice Chair Murphey welcomed a high school student on classroom assignment in the audience and requested they come forward to have their paperwork signed.

CALENDAR

Next Planning Commission training meeting scheduled for May 12, 2015.

CP Muilenburg adjourned the meeting at 9:16 p.m.

Curt Muilenburg, Planning Commission Chairperson