



CITY COUNCIL MEETING MINUTES October 16, 2018

The scheduled meeting of the Ontario City Council was called to order by Mayor Ronald Verini at 7:00 p.m. on Tuesday, October 16, 2018, in the Council Chambers of City Hall. Council members present were Ronald Verini, Norm Crume, Dan Capron, Ramon Palomo, Thomas Jost, Betty Carter, and Marty Justus.

Members of staff present were Adam Brown, Tori Barnett, Dan Cummings, Terry Leighton, Cal Kunz, Peter Hall, Betsy Roberts, and Tien Thi Ha Le.

The meeting was recorded and copies are available at City Hall.

Norm Crume led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on October 12, 2018. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

CARTER moved, PALOMO seconded, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion carried 7/0/0.

PUBLIC COMMENT

Dustin Millard: *I guess there are three things that I wanted to express. One is keeping it local. I've spent my life here, so, I was born in Boise, but my grandparents lived here and I spent a lot of time here growing up. Then there's the industrial, the producers out of C-2H, I'd rather keep it here. The third thing is I'd prefer there be no buffers so we'd have free liquid market. I think that's it; thank you for your time.*

Dan Cummings, Community Development Director, stated if the public comments were for the public hearing, this was not the time to be doing them. They had to be done after they opened the Public Hearing.

NEW BUSINESS

Bid Award: Fire Department Exhaust System

Terry Leighton, Fire Chief, and Betsy Roberts, City Engineer, presented.

Public Works staff developed a bid package and reached out to vendors of this type of exhaust system. The team received three bids, and secured a responsible, responsive low bid for a Diesel Exhaust Extraction System for the Fire Department Bay. Staff would like to secure approval of the bid by the Council so that they can finalize the purchase and have the system installed.

This diesel exhaust extraction system would provide the Fire Department with an appropriate system to eliminate the exhaust created by the fire apparatus that were started in the bay and protect staff from exposure to the exhaust fumes. The city would be paying for the project, but would be reimbursed by the Rural Fire District at the completion of the project. Staff had gone through the process of securing a low bid and would like to move forward with the purchase of this exhaust extraction system to provide a safer, cleaner staff environment as soon as possible. The Rural Fire District stood ready to provide reimbursement for this project.

The low bid price was \$67,220.00, but the overall cost to the City of Ontario was essentially \$0, as the entire amount would be reimbursed by the Rural Fire District. The exhaust item was discussed and supported by the budget committee. Staff would like to continue moving forward with this purchase as soon as possible. This piece of equipment was necessary for personnel safety.



The City Council must approve the contract with the low bidder top and attest that city and state procurement regulations were followed. Not approving the bid for the purchase of the diesel exhaust extraction system would result in fire staff not receiving the benefit of cleaner air while working in the fire bays.

JOST moved, JUSTUS seconded, **THAT THE CITY COUNCIL APPROVE THE PURCHASE OF THE DIESEL EXHAUST EXTRACTION SYSTEM TO THE LOW BIDDER, WEIDNER FIRE, FOR \$67,220.00.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion carried 7/0/0.

PUBLIC HEARING

Ordinance #2748-2018: Land Use Action #2018-08-15ZCA, Amending Title 10A ("the Zoning Title") of the Ontario City Code to Allow Certain Marijuana Related Operations and Activities in Certain Zones under a Conditional Use Permit and to Prohibit Them in all Other Zones not Specifically Noted as Being Allowed as a Conditional Use; Adoption of Ordinance #2748-2018 on First Reading by Title Only

It being the date advertised for public hearing on the matter of Ordinance #2748-2018, Land Use Action #2018-08-15ZCA, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, and ex-parte contact. Councilor Marty Justus declared a conflict of interest and stepped down from the dais.

Dan Cummings, Community Development Director, presented.

The State of Oregon, by legislative enactment, established a process for the licensing and registration of certain marijuana facilities and dispensaries. Currently, the city zoning regulations did not address or allow those uses. An Initiative was placed on the November 6, 2018, ballot in an effort to remove the current marijuana ban within Ontario city limits. The City Council directed the drafting of appropriate regulations and standards governing the time, manner, and place where marijuana facilities and dispensaries might be allowed within the city limits should the ban be overturned by a vote of the people.

On April 13, 2015, the Planning Commission acted on planning action 2015-03-06 ZCA on the creation of Chapter 10A-58 entitled "Medical Marijuana Facilities". In 2018, the Ontario City Council established a Marijuana Ad-Hoc Committee to review the effects and impacts to the City of Ontario due to the legalization of marijuana in the State of Oregon. As an Initiative was filed to remove the ban that Ontario placed on the operations and activities of marijuana, the Council asked the committee for recommendations on regulations and standards governing the time, manner and place of marijuana operations and activities within the city limits. The seven-member Committee, comprised of five members who were pro-marijuana and two members who were anti-marijuana, met in several public meetings and formulated their recommendations. Some of the recommendations were not addressed in these planning codes and would be addressed in the business licensing codes when and if the ban was lifted.

Staff created documents for presentation to the Ontario Planning Commission, which included the Ad Hoc Committee recommendations, along with existing buffer setbacks established under Title 10A-58. Staff also had recommended buffer setbacks. Other buffers were being recommended by both the Ad-Hoc Committee and city staff and previously established under Chapter 10A-58. The documents prepared for the City Council Public Hearing were updated to add the recommendations by the Planning Commission from their October 8, 2018, meeting.

The city could amend the zoning regulations in response to emerging technologies, business concepts, or changes in state law. The proposed amendments to Title 10A, Ontario City Code, were in response to changes in state law with the intention of providing reasonable regulations for the operation of marijuana operations and activities in certain zones under a Conditional Use Permit. As part of the process, recommendations from the Planning Commission were also required, as well as Finding of Facts, which read:

1. The Oregon Legislature enacted House bill 3460 in 2013 (ORS 475.314) which required the Oregon Health Authority to develop and implement a process to register medical marijuana facilities.
2. Under Oregon law, local governments could regulate the operation and location of certain types of businesses within their jurisdiction except when such action was specifically preempted by state law.
3. The City of Ontario substantive zoning regulations and administrative requirements were contained in Titles 10A, 10B and 10C of the Ontario City Code.
4. Amendments to Title 10A were initiated by the City Council in accordance with Section 10B-15, Ontario City Code.
5. The appropriate legal notice was provided for this hearing.
6. Amendment actions were first referred to the Ontario Planning Commission for a Public Hearing and recommendation to the City Council; those recommendations were made in the following motions by the Planning Commission:
 - a) I move that the Planning Commission recommend under Section 9, 10A-59-15 (A) (5) {in the C-1, C-2 & C-3 zones} a **350** foot buffer from another marijuana recreational facility.

- b) I move that the Planning Commission recommend under Section 9, 10A-59-15 (A) (6) (in the C-1, C-2 & C-3 zones) a 500 foot buffer from all residential zones as noted in the text of Exhibit "A".
- c) I move the Planning Commission recommend under Section 9, 10A-59-15(B)(3) and 10A-59-25(B)(3) {ALL ZONES} the parking requirement of Option A.
- 10A-57-75 (4) one space for each employee and one for each 300 square feet as per text in Exhibit "A".
 - 10-57-75(6) one space for every 300 square feet of gross space.
 - Other (state):
 - I move that the Planning Commission recommend under Section 9, 10A- 59-25 (A) (5) (in the C-2H, E-2, I-1 & I-2 zones) a 0 foot buffer from another marijuana recreational facility.
- d) I move that the Planning Commission recommend under Section 9, 10A-59-25 (A) (6) (in the C-2H, E-2, I-1 & I-2 zones) a 500 foot buffer from all residential zones as noted in the Text of Exhibit "A".
- e) State any other motions: **I move we recommend to the City Council to include the city leased parks designated as Moore Park and Depot Park in the 1000 foot buffer requirement.**
- f) I move that the Planning Commission accept the above Findings of Fact, the above motions, and the amended Exhibit "A", and recommend to the City Council the approval and adoption of the proposed amendments to the Ontario Zoning Ordinance establishing the location and standards for the establishment of marijuana operations and facilities within the City of Ontario.

The City Council may accept or amend any or all of the above recommendations.

The amending process had a financial impact on the city's budget for staff time, City Attorney time, and notifications required by law to the citizens of Ontario. The city had utilized only staff time and City Attorney time in writing up the code amendments and had not hired an outside consulting firm, saving the citizens of Ontario the cost of a consultant.

As requested by the general public and City Council, this action was requested to be completed prior to the November vote on the Initiative to remove the marijuana ban so that the citizens of Ontario could be informed on how the marijuana industry would operate if the Initiative to remove the ban was approved.

To regulate the marijuana industry with regulations other than existing city codes dealing with retail businesses, industrial uses, and existing state regulations, the city needed to amend their regulations to reflect the way they wanted the marijuana industry to operate with the city. The Council could table the action and extend it to a later date for additional public input; table the action to a date uncertain; or deny the action.

Exhibit "C-1"

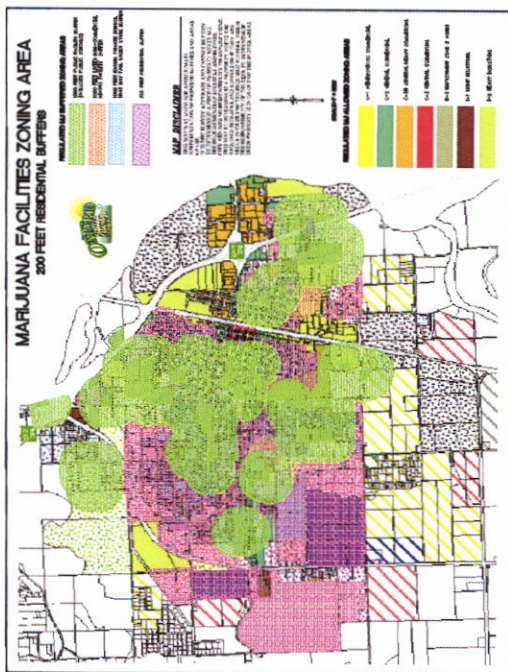


Exhibit "D-1"

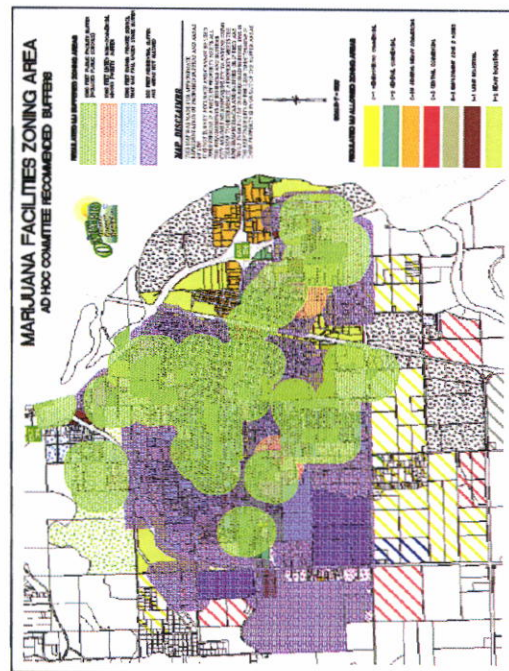


Exhibit "E-1"

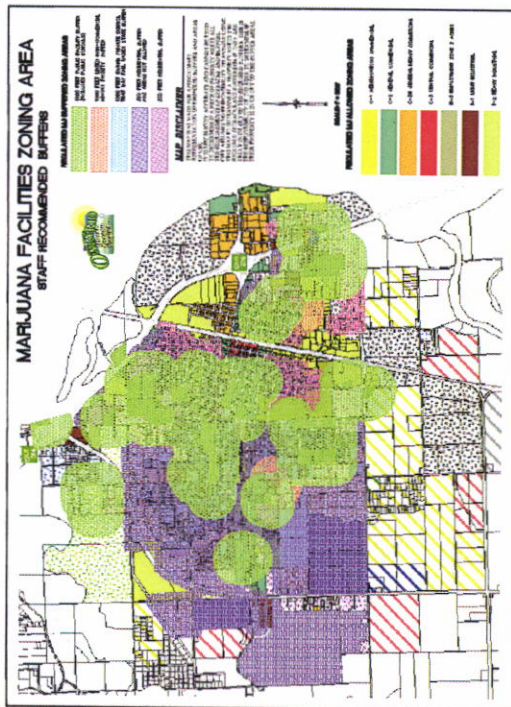
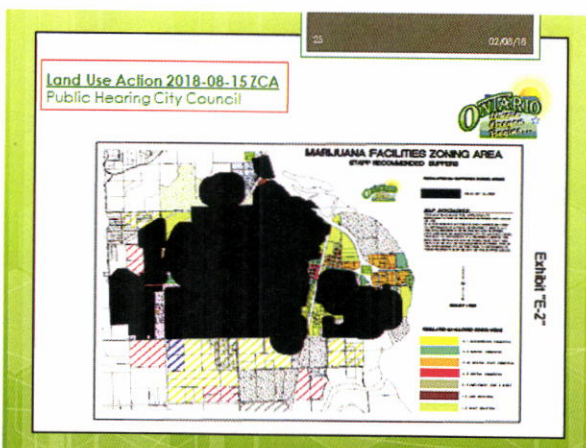
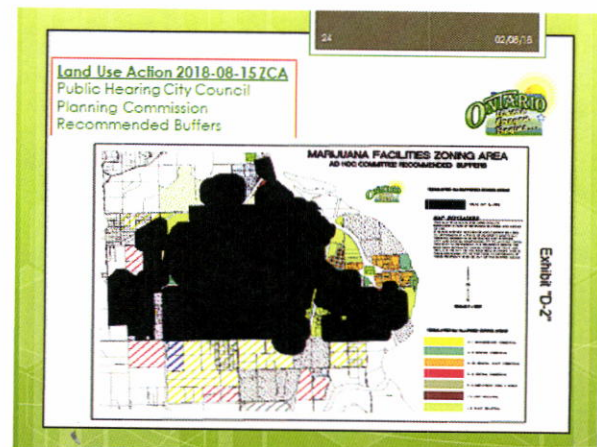
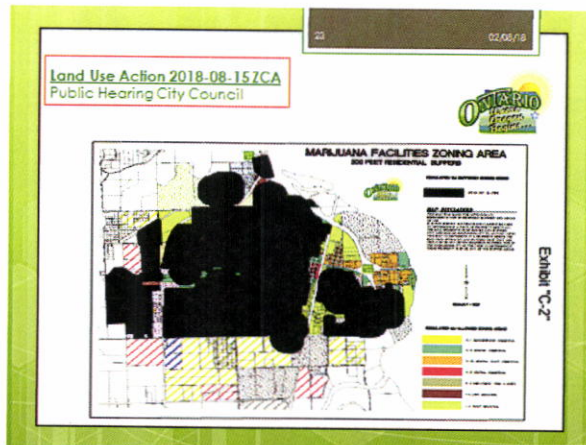
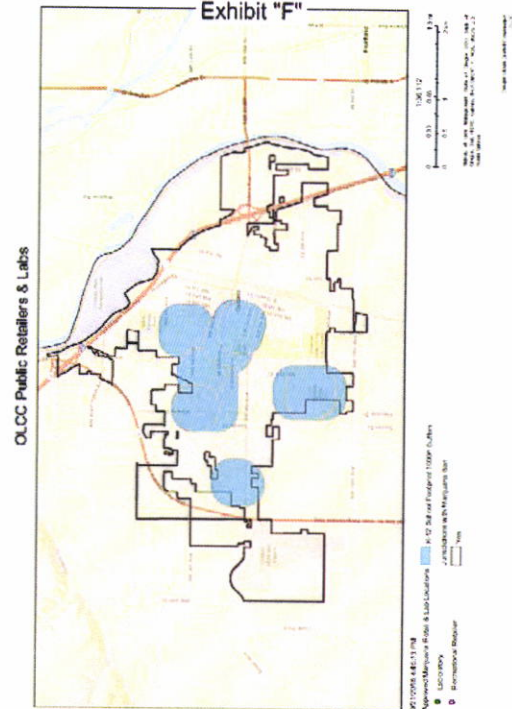


Exhibit "F"



The Hearing was opened for public testimony.

Opponents/Proponents:

Tori Barnett, City Recorder, read a letter into the record from Lori Duckworth, Portland: (Typed verbatim from letter)

To The Members of The City Council of Ontario; As a future member of this community and an OMMP patient of 19 years, I am writing this letter with deep concerns. My deepest concerns are regarding the recommendations that you've received from the Ontario Planning and Zoning Committee and the Ad-Hoc Committee, particularly, the unreasonable buffer recommendations. These extreme recommendations virtually relegate all cannabis businesses to the far east side of town. The east side already has extremely limited operating spaces, most especially for dispensaries to rent or lease from. It's

putting a huge disadvantage upon property owners who own retail commercial properties that have been for sale or lease. They're unable to take advantage of this opportunity. Many of their buildings have sat empty for years. This community is a compassionate one. I have family here and have experienced that compassion directly. But this is also a financially unstable city, which should be embracing positive economic growth. Why would we push dispensaries to the farthest and busiest areas of town? For medical marijuana patients – the sick, disabled, and seniors – this proposed 500 ft buffer would be detrimental. This buffer would place much-needed medical services farther from the people who have the fewest transportation options. For a disabled person, every hundred feet is a burden. These recommendations would greatly limit new business opportunity, reducing the potential for higher employment for our community, and needlessly limiting the tax revenue for our first responders and schools as well. In 2013, the dispensary bill, HB 3460, was passed by the Oregon legislature and signed by Gov. Kate Brown with the intent to "provide safe and reasonable access [to cannabis]" for patients. The recommendations from the Ad-Hoc Committee reflect neither reasonable nor safe accessibility for patients to their medications. I ask you each to take great consideration with your decision and the overall best interest of the city of Ontario including the disadvantaged, disabled, sick, and seniors. Thank you, Lori Duckwork, Portland, Oregon, Compassionate Oregon Board of Directors & Citizen Lobbyist.

Dustin Millard, Ontario: I prefer that the C-2H property have the option to grow if they want. If not, no restriction at all. The restriction is unnecessary because what do you have? You have Walmart, there's just simply no property that's available. It's asinine. The buffer zone is also unnecessary because of free market, which I already said. Let us let business dictate who is successful and not successful. Those that are favoring the buffer zones are using it to limit opportunities of others, so it's infringing upon liberties opportunities. Thank you for your time.

Jeremy Archie, Portland: I'm here tonight to talk about park setbacks. I have a building on South Oregon Street, The Competition building. The building has a ton of potential from parking, to square footage of space, to the ability to have it self-anchor to the downtown core. We are talking about an industry that is needed in Ontario. For example, Mayor Verini, you've referenced before that you're trying to be a good steward to the Idaho neighbors, and as much as that is true, I want to point out that this industry will be a boon to the economy as far as foot traffic besides some of the potential setbacks. What that window of opportunity does, until the neighboring state enacts a law that takes that traffic that passes through Ontario and Fruitland to Huntington. I see a ton of potential downtown as far as ancillary businesses. People come to spend money there. In regards to most locations being on the east side of the freeway, as much as I agree with that, this wasn't proposed by locals and people who work there. It takes an open mind to kind of consider this downtown core, because there is an emotional attachment to it, which I get. I'm just here tonight to point out that I would love to see you make some type of consideration as far as a parks buffer that would shut down most downtown opportunities because of the way it's proposed. I think it has great potential. I think the city has the opportunity to see some of the vacancies filled, and aside from some of the concerns and stigma of this industry, it doesn't devastate communities. It's a different ship and mindset. Hoping that everyone can consider that. Thank you.

Jim Forrester, Ontario: I'm here to represent Malheur Cannabis Action Network with several hundred concerned citizens. Rather than take up valuable time in this meeting with multiple speakers, I'm here to speak on behalf of our many members who thank the marijuana Ad-Hoc Committee, Dan Cummings, and the Planning and Zoning Commission for their tireless efforts to set regulations for potential cannabis businesses. Our only goal with Ballot Measure 23-61 has always been to create an environment of taxation and regulation for cannabis in Ontario. We believe that this will bring tax revenue to the city, provide safe and fiscally responsible regulation of the market, and create economic opportunity for residents. We thank you, the Council, for all you've done in these areas, and all you will continue to do for the residents of Ontario. Tonight we hope that you will take into consideration all the factors for reasonable and responsible regulations in order for public safety, foster healthy competition, and improve the economic vibrancy and diversity of our community. Thank you.

Glenn Matthews, Ontario: I live in Idaho, but I represent a company here in Ontario. I don't support the buffer laws very much because it prohibits a lot of people from opening their business and it's definitely going to be a big job for them to come here. I'm representing Scott, Inc., who's had a building here since 1985. He owns 420Ville in Huntington. Out of the 20 employees he's hired over there, 16 of them are from Oregon. He uses local vendors. He's cleaned up the properties over there, and he's also been the first one to ever apply for a license here in the City of Ontario, which he did comply with all the regulations set forth by the City Council then, and OLCC. He brings a professional touch to the business. I strongly recommend the buffer zones be looked at and maybe even lessened so that he, and others, can maintain their businesses. Thank you.

Katie Donahue, Emmett: I work in Public Relations for 420Ville. They're located in that small green dot right here (pointing to the map), so this guy's been here since 1985; he's an owner in Huntington; he's been patient; he's been amazing to people in need, in medical need, and what these buffering zones are doing, to my understanding, is risking pushing some really local good people out, and like Mr. Miller had said, I really agree with keeping the business local and letting the market dictate where things are. If you put limitations on things, I don't know everything that's that black area, but I'm sure that that buffer zone can be moved so that the businesses that really would like to open, have the ability open if this should go through. Also, on a personal note, I, myself, am a patient, and Scott and Diane, through Scott, Inc., and 420Ville, they have been really steadfast in the community and good local people. It would just be tragic to see everything pushed over to the east side of town and have things set out, or have opportunities taken away from others, or have strong-arming done, or have dirty business come into play. I think that would be sad to see. I think it is possible to keep the school zones and the public zones protected, that you want



to keep protected, as well as let the people that have been here for their lifetime, at their own expense doing this, to have an opportunity for the future that's open up.

Jahmel Cooke, Ontario: I really just wanted to pretty much, a lot of the things that I have to say have kind of already been touched on but I want to show the Council that the cannabis movement is here. I do believe in the buffer zones that, I like the idea of what the Planning Commission has proposed with the zero foot buffer in certain zones, but I do think that the residential buffer does stifle a lot of business opportunities for those who have been established in this community for a long time, besides just Scott, or 420ville, there are others who may be, who will certainly be affected by that buffer. I think it's a huge buffer and it's kind of unreasonable. I do hope that the Council will make the best decision in the interest of the citizens of Ontario. I'm really optimistic about the future.

Councilor Capron asked Mr. Cooke, who was a member of the Ad-Hoc Committee, what his vote was on the 500-foot buffer at the time?

Mr. Cooke: Originally, I'm really not sure. I'd have to look at the minutes, but I do know at that time there were a lot of things we didn't know and everyone in with me, we kind of learned a lot of things together. We kind of had a very short amount of time to get this done, and I think in the time that we were given, we did the best we could. I think if we could redo it, it would be a much smoother, much more educated process. That's kind of why I wanted to come up – to just restate what I think. After getting to see the maps, after the things they talked about, it's kind of a shock. We did not see this map before it was voted on. We actually saw these maps after we voted. Thank you.

Judith Kirby, Ontario: Two of the things I wanted to say is in this map, the Social Security building has an ESD school for developmentally handicapped at the Social Security building. The other thing is, the Mennonite School is out in this strip that you're showing not blocked, so you need to think of those two things. Those are schools. The Mennonite School is not quite across from the Sunrise Christian Church, a bit up. It used to be an insurance agency building. Those two are schools and I don't think they're on this map. The other thing is, I talked to the DA yesterday at the candidates fair. He said we can zone things, but regulations can be hard. With the last one in Oregon, the only thing you regulate...you can write the rules, but trying to get rid of grow houses is going to really be a problem.

Aaron Boshart, Ontario: I want to thank Dan Cummings, the Planning Commission, Ad-Hoc Committee, and the City Council for the time and effort they have all put into this very important issue. I have been present at nearly all the City Council meetings, Ad-Hoc meetings, Planning Commission meetings, related to the issue of marijuana. It has been my absolute privilege to witness and participate in the political process here in Ontario. I have made Ontario my home over the past several months, and I've just made the decision to move to Ontario permanently. I'm speaking to you today to discuss the proposed ordinance as it relates to the C-2H General Heavy Commercial zone. This is going to be the orange zone. In looking at the zoning map of the proposed residential buffers, you can see that the C-2H zone is the only remaining commercial zone for dispensaries in Ontario. I have spent the past two and half years studying the C-2H zone, and I am familiar with every available property that could possibly be used for a dispensary. I have looked at both opportunities for new construction, as well as existing commercial property. There are only a handful of tax lots that could ever be used for a marijuana dispensary. Restricted easements, CC&Rs, lending regulations and existing big box retail businesses and hotel properties eliminate 80% of the zone. I can tell you definitively that under the Ad-Hoc and Planning Commission recommendations, there can only be three or four dispensaries in Ontario if there are any retail to retail buffers within the C-2H. Essentially you're going to put them right next to each other. No. Implementing a 500-foot residential buffer as it affects the C-2H Heavy Commercial zone reduces the available real estate by about half or more, depending on what is decided for retail to retail buffers. This eliminates one of just four areas in the C-2H zone where dispensaries can operate if there are any retail to retail buffers. There are actually no residential zones within 500 feet of the C-2H zone anywhere in Ontario currently. Unfortunately, there is an Urban Growth Residential zone near the C-2H zone that has a 500-foot buffer under the Planning Commission and Ad-Hoc recommendations. I'm here to bring this to your attention, and implore you to consider the staff recommendation 200-foot buffer zone as it affects the C-2H zone. It is clear to me by having listened to countless citizens, commissions, and committees, that the residents of Ontario do not want dispensaries near their homes. This is a compromise that will prohibit dispensaries from operating within 500 feet of any existing Ontario resident, while providing enough C-2H zone to be developed and used for a dispensary. As Dan Cummings has said, if you limit the area where dispensaries can exist too much, we will have people annexing the land all around the city. Furthermore, the market will face monopolization from a few businesses, eliminating potential tax revenue for the City of Ontario and creating high prices for local residents. Please consider a 200-foot residential buffer as it affects the C-2H zone, as this will keep dispensaries more than 500 feet away from any resident of Ontario, which allowing healthy areas for dispensaries to operate in.

Jeremy Archie: I wanted to reference why we brought the maps, a copy of the blueprint there to show the downtown corridor, and that my plans fit in compliance with the proposed regulations to be able to house people, keep them off the street, if the downtown was considered. I just wanted to clarify.

Councilor Capron asked Mr. Archie how many people did he plan to house inside, that were not being served, but waiting?

Mr. Archie: Based on the square footage, I haven't calculated out the numbers, but he could reduce the showroom floor and house 45.

Timothy Proesch, Nyssa: I worked in the local medical marijuana clinic in Ontario for almost three years solid, and I've worked for other clinics that have been here. I've seen this come and go. I really think that you guys have a good grasp of what's going on as far as setting these buffer zones, but you also have to consider businesses already established. I've heard from several people, I've talked with several. I've stayed uninvolved simply because of my businesses and because of my residence. I don't live in the City of Ontario, I live in the county. These laws that were put in place by the State of Oregon, in order for me to facilitate helping the people that I have in our community, forced me to be in the county, because I could not grow to the capacity to help some of these people. I feel like these people that are coming here to try to get these buffer zones, to get this all resolved, feel like they have a strong business sense and they have ethics and morals so that will stop a lot of the things that you guys are concerned about with marijuana, even on a recreational level. We have all kinds of debauchery within the State of Oregon. We cannot choose or discern which one is better than the other. There's gambling, there's alcohol, there's nude strip clubs. We had one in Nyssa. You continue farther west, you experience those. These people are just asking for safe, calculated access to this, which we've been begging for for quite some time. This is not something new. We visited this many, many times, and it took a lot of organization to get to this point. But, unfortunately, like the buffer zone there that 420 was talking about, my medical marijuana office sits there. I have nothing to do with marijuana whatsoever other than I have doctors who work for me who help these people obtain these documents they need to grow their own medicine, which I believe we are a pretty liberal state, not that I'm a constitutionalist or anything, but I feel like if somebody has 12 plants in their backyard, it's their business, not yours. I feel like requiring somebody to have a Conditional Use Permit to grow medical marijuana, it is like a privilege. Just like a driver's license in the State of Oregon. They come to my clinic, use my services, and my doctors, to get a referral to the State of Oregon, who is in control of releasing these documents that allow them to grow this marijuana within these zones. Even in residential. I still feel like that's kind of not, I mean you've already reported to the state, we've already paid our state taxes, this is a privilege, which can be revoked, just like a driver's license. We are not asking for anything too extreme. I mean, I have a head shop in Nyssa. I can only sell glass and paper to people who are 21 years and older. All this other stuff is heavily, heavily regulated. All we are asking for, we are screaming for, regulations. We are here, we've done this. We went back and forth several times with different entities about how we're going to control this, and I feel like all these people, amongst other people that have been involved in this, we are headed in the right direction, but we definitely need to take into consideration maybe, you know, I've heard local product, I've heard the buffer zones, I've heard people talk about letting it regulate itself. I really want you guys to consider these buffer zones and let these businesses regulate themselves, and let us, as a people, kind of regulate this and let us vote on it. You guys took it out of your hands, now it's in our hands.

Steve Milland: Mr. Mayor and Council, I appreciate you having John and I here this evening, and we hope to be able to answer any questions that you have in relation to what we've done on the Ad-Hoc Committee. As it was mentioned, we get a group of people, five proponents of cannabis, two that were in opposition to it. I was appointed at the first meeting to the Chair, and John was the Vice-Chair appointed at that meeting. From that point, we worked through all sorts of time, manner, and place, recommendations to give towards the ordinance. Those include buffer zones, taxation, thoughts on advertising, the buffer for retail, residential, and then where the businesses would go and what zoning would they be allowed in. Most of the items that came before us, I was really proud that we were able to get a consensus vote on, a unanimous consensus. There was only two times, at that was on parking, whether or not we would have extra spaces for the employees, which probably makes sense, and then also on the hours of operation. We spoke a little bit more about business licenses. The overwhelming theme is we started through the regulations and talked with members of the community and members of the Council, business owners in the area, and industry members. They did not want to be overrun with cannabis in their town. They wanted us to look at sensible conservative regulations that, if the vote were to pass, that they would still have a city that they were proud of and it didn't become "pot" city, USA. They did not want facilities on every block in town, nor all over their town. So, we looked at how we could buffer by zoning, parks, schools, places where children would be around, to give those community members what they'd asked for. Each of those things we were able to come to a consensus on besides the one issue of parking that has to do with land use regulations.

John Kirby, Ontario: Well, first of all, you put five proponents and two opponents together, and you think you're going to have a fistfight, and I can't say that this is a dream committee to be on, but I can also tell you that we learned to respect each other and move in a manner that I thought was a way to come to an agreement. It's obvious that I'm not for the cannabis industry being in Ontario, but if they come, we need to be prepared. So the biggest issue for those of us who are in opposition is quality of life, so we tried to move forward talking to citizens in the community about if it's here, how do we maintain quality of life? That's where most of the residential buffers came into existence. Dan may want to correct me on this, but when you're doing a land use measure, if we started fooling with zoning, it really expands out the way you do things because you need more time to take it before the State of Oregon and what have you, so rather than work with zoning, you leave the zones that you already have and then you place buffers from existing facilities and zones in the existing plan to do what you want to accomplish. That's why buffers are used rather than rezoning. We moved forward, and actually, the meeting tonight, I went back and looked up Senate Bill 100, which put together Oregon's land use plan, back in the '70s. I was also on the initial committee that put forth the county plan for Malheur County. It's citizen involvement, so we got a room full of them tonight, but citizens have been involved in this process ever since the Ad-Hoc Committee was put together. You, as a Council, hopefully can respect the fact that the

citizenry has been involved. Many of you have come and sat through our meetings, and it's been a learning process. We sometimes went back and retook votes and what have you, so this was kind of reflective of a thought. We're a county of 38,000 people. The opportunity for this industry isn't in Malheur County. It's in Idaho. There's 700,000 between here and Boise. That's the target audience. So as we put this together, that's why it's on the east side. We don't want them driving through town. That was part of the consensus that we talked about. Part of it started off with an argument, but we finally ended up there. If we're going to protect our town, you gotta think. The customer is coming from Idaho, so they want to come in, they'll want to get their stuff, and they want to leave. Some of them are going to stay and shop, but not most of them. They're coming for one product and that's it. Early on we talked about traffic, and of course that's a high-traffic end of town. Part of our concern with too much traffic, that's initially why we ended up with the 1,000 foot buffer between retailers. I know there are people here tonight that want to throw it open to everything, and the Planning Commission came up with zero, and I would urge you reconsider that one piece based on the fact that's a pretty high intense traffic area. Not to completely restrict retailers, but use 350, 500 between retail establishments, rather than...if somebody bought a certain area, they could cordon it off and have five businesses right in a row. Or they can go behind Les Schwab into that non-conforming use area where all those houses are, and buy and build, tear down houses, and put it in there because those are in the C-2H zone. A lot of people, in fact Freddy Rodriguez who is on this Committee, says "that's my home, that's where I live", and Ramon lives on the other side of Idaho, but that is a residential area that's non-conforming, so it could be used to put in retail there. If you come up with a plan that's agreeable that we can also loosen it up sometime in the future, but you can't tighten it up. We need a plan that's going to work. The other thing that is mentioned is that in Eugene, Oregon, they threw it open to zero, and they had a lot of establishments go broke. To some on the Planning Commission, that's just business, that's the way it should be, but if you are going to do this, if we do pass pot, you're tax collectors, so if you got people going broke, who can't make it, what's the first thing that you don't do? You don't pay your taxes. That's why the Planning Director is over there shutting them down. You've got to make it so that businesses that do start here, can survive here. That was part of our thought process. We went through that. The people on the Planning Commission just missed that, and it should be the same at C-1, C-2, C-3. Also, I think there's a housekeeping error: Flammable products should not be produced in C-2H. Grows are in C-2H.

Dan Cummings, Community Development Director, stated he'd have to review that as flammables were not allowed in C-2H. Flammables were only allowed the Industrial zone. Same with the grows.

Councilor Palomo stated when they were talking about zoning on the east side, beginning one way and loosening up as they moved forward, when had that become we don't want people driving through Ontario? He believed the whole thing of this was to bring them to Ontario. If they stayed by the highway, it wasn't bringing people to Ontario. He was all for what they had, but if they could loosen things up as they moved forward, if it did pass, it was the opportunities to expand out to the west side of town.

There being no further Proponent or Opponent testimony, the Hearing was closed.

Councilor Crume asked about the two schools that Ms. Kirby had mentioned.

Mr. Cummings stated he had been informed that there was a school located in the old Social Security Office. However, they were not operating under the guidance from the city. They had not approached the city for permission to have a school located in that facility. Regarding the school by the Airport, he had been working with them over the past year; they, too, were not operating following the city's codes. Only if it was determined they were certified schools under the state regulations, the buffer would apply.

CAPRON moved, seconded by CRUME, **THAT THE CITY COUNCIL APPROVE UNDER SECTION 9, 10A-59-15(A)(5) IN THE C-1, C-2, AND C-3 ZONES, A 350 FOOT BUFFER FROM ANOTHER MARIJUANA RECREATIONAL FACILITY.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-abstain; Capron-yes Jost-yes; Verini-yes. Motion carried 6/0/0/1.

CARTER moved, seconded by PALOMO, **THAT THE CITY COUNCIL APPROVE UNDER SECTION 9, 10A-59-15(A)(6) IN THE C-1, C-2, AND C-3 ZONES, A 200 FOOT BUFFER FROM ALL RESIDENTIAL ZONES AS NOTED IN THE TEXT OF EXHIBIT "A".** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-abstain; Capron-yes Jost-yes; Verini-yes. Motion carried 6/0/0/1.

CRUME moved, seconded by PALOMO, **THAT THE CITY COUNCIL APPROVE UNDER SECTION 9, 10A-59-15(B)(3) AND 10A-59-25(B)(3), ALL ZONES, THE PARKING REQUIREMENT OF OPTION A, 10A-57-75(4) ONE SPACE FOR EACH EMPLOYEE AND ONE FOR EACH 300 SQUARE FEET AS PER TEXT IN EXHIBIT "A".** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-abstain; Capron-yes Jost-yes; Verini-yes. Motion carried 6/0/0/1.

CRUME moved, seconded by CARTER, **THAT THE CITY COUNCIL APPROVE UNDER SECTION 9, 10A-59-25(A)(5) IN THE C-2H, E-2, I-1, AND I-2 ZONES, A 350 FOOT BUFFER FROM ANOTHER MARIJUANA RECREATIONAL FACILITY.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-abstain; Capron-yes Jost-yes; Verini-yes. Motion carried 6/0/0/1.

JOST moved, seconded by CRUME, **THAT THE CITY COUNCIL APPROVE UNDER SECTION 9, 10A-59-25(A)(6) IN THE C-2H, E-2, I-1, AND I-2 ZONES, A 200 FOOT BUFFER FROM ALL RESIDENTIAL ZONES AS NOTED IN THE TEXT OF EXHIBIT "A".** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-abstain; Capron-yes Jost-yes; Verini-yes. Motion carried 6/0/0/1.

CARTER moved, seconded by JOST, **TO NOT INCLUDE THE CITY LEASED PARKS DESIGNATED AS MOORE PARK AND DEPOT PARK IN THE 1,000 FOOT BUFFER REQUIREMENT.** Roll call vote: Crume-no; Carter-yes; Palomo-yes; Justus-abstain; Capron-no Jost-yes; Verini-yes. Motion carried 4/2/0/1.

CRUME moved, seconded by JOST, **TO APPROVE THE FINDINGS OF FACT AS PRESENTED IN THE STAFF REPORT AND THE RECOMMENDATIONS OF THE PLANNING COMMISSION SENT FORWARD FROM THE PUBLIC HEARING ON OCTOBER 8, 2018, ON PLANNING ACTION 2018-08-15ZCA AND CITY COUNCIL AMENDMENTS THERETO.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-abstain; Capron-no; Jost-yes; Verini-yes. Motion carried 5/1/0/1.

CARTER moved, seconded by JOST, **THAT THE CITY COUNCIL ADOPT ORDINANCE #2748-2018, AS AMENDED, AN ORDINANCE AMENDING TITLE 10A ("THE ZONING TITLE") OF THE ONTARIO CITY CODE TO ALLOW CERTAIN MARIJUANA RELATED OPERATIONS AND ACTIVITIES IN CERTAIN ZONES UNDER A CONDITIONAL USE PERMIT AND TO PROHIBIT THEM IN ALL OTHER ZONES NOT SPECIFICALLY NOTED AS BEING ALLOWED AS A CONDITIONAL USE, ON FIRST READING BY TITLE ONLY.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-abstain; Capron-no; Jost-yes; Verini-yes. Motion carried 5/1/0/1.

Councilor Justus returned to his seat at the dais.

HAND-OUTS/DISCUSSION ITEMS

Civil Penalties Update

Kari Ott, Finance Director, presented.

CIVIL PENALTY SUMMARY: On March 1, 2018 the first civil penalty was issued. Currently, staff has billed \$35,500 and collected \$3,100. There have been seven liens placed on property and there are about 10 additional accounts that staff will be placing a lien on in the near future.

DERELICT STRUCTURES: Currently, there are three derelict structures being billed. Staff has collected \$1,000.

Financials

Check Register July 1-Sep 11, 2018 (Attached)

ADJOURN

CARTER moved, CAPRON seconded, **THAT THE MEETING BE ADJOURNED.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion carried 7/0/0.

ACCEPTED:



Ronald Verini, Mayor

ATTEST



Tori Barnett, MMC, City Recorder