



CITY COUNCIL MEETING MINUTES October 23, 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 23, 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, Corinna Hysell, Cal Kunz, Dan Cummings, and Peter Hall.

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

Marty Justus led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on October 19, 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

All letters read into the record by Dan Cummings, Community Development Director, were transcribed verbatim from the letters.

10-21-2018

Members of the City Council

I'm writing today to express my disappointment and frustration in the recent proceedings regarding marijuana dispensary planning and zoning. After reviewing the extensive investigation by the Ontario Marijuana Ad Hoc Committee and the Planning Commission, as well as hearing feedback from business owners and scores of citizens, the City Council has continued to move forward in a reckless and irresponsible manner. **The concerns and recommendations of both experts and citizens are being ignored, and I'm afraid the consequences for our city will be far-reaching.**

I believe Ontario has the potential for a bright future with a vibrant community and thriving businesses. I believe that future could include marijuana dispensaries – it's entirely possible. But the actions of the City Council have led me to believe that these two things are now mutually exclusive: the City Council has inexplicably chosen the interests of one industry over their citizens and existing business owners.

The City Council has seemed to plow forward as a break-neck speed on this issue, begging the question: are their ulterior motives at work? The Council has ignored recommendations from both the Ad Hoc Committee and the Planning Commission, even while the citizens have yet to vote in November regarding legalizing marijuana in Ontario. Business owners have raised legitimate concerns and even proposed compromises and workarounds. The Council, at every turn, has chosen to ignore the voices meant to represent the will of Ontario's residents, and instead favored a special interest group looking to capitalize on our city's lack of regulation. This kind of preference raises concerns of integrity: the City Council appears to have chosen monetary benefit over its citizens.

Marijuana dispensaries may well bring all the revenue and economic benefits to our area their proponents say they will. But the City Council has chosen not to give us all time to see if the promises pan out. Instead, against all recommendations, they've moved forward with a plan that gives us very little regulatory control. As others have pointed out, it's much wiser to begin higher regulations now and reduce them as needed than to invite a free-for-all and deal with the consequences later.

I'm an Ontario business owner and hope to raise my family here for many years. Today, I feel city leadership has prioritized an outside interest group and their pocketbooks over my family's future. I feel business owners who've been here for decades are being shouted down by an industry that *may* have benefits for the community – but may not. Ontario struggles to attract new residents, and a downtown area full of marijuana dispensaries is highly unlikely to alleviate this issue.

On a Friday night, I'd like to be able to walk the streets of downtown with my kids and feel that it's a safe, wholesome, family-friendly area. I'd like to be able to go out to dinner and support local businesses. I'd like to imagine a future where my kids want to live here and raise their own families here. Without proper oversight and regulation, I can see this future becoming more unlikely by the minute.

My strong recommendation to the Council is to reconsider and, if necessary, vote again on two specific issues: the 1,000-foot buffer around parks, including the two downtown parks, and the issue of residential buffers. When I've discussed this issue with other residents and business owners, these are their two major concerns. Downtown business owners want the family-friendly feel of downtown to be preserved and residents want their neighborhoods safe. These two buffers are specific steps the City can take to prevent dispensaries from having a negative impact on Ontario's community.

Listen to the many voices urging for careful, responsible, cautious progress. Without caution, the City Council risks more than losing the trust and respect of its citizens. It risks losing its citizens themselves as they choose family-friendly, more prosperous places to live.

Sincerely,

Max Twombly

October 23, 2018

Mayor Verini and Ontario City Council

I am writing this letter to you all because I will be out of town Tuesday night so I cannot appear personally at the Ontario City Council meeting.

I am also writing this as a Planning Commission member and I want this letter to reflect that I am not representing any sentiment from any other member of the Planning Commission.

I am writing to you to express my disappointment and amazement over several of your votes last Tuesday night when having your first reading on the establishment of buffers around certain zones in Ontario when placing marijuana establishments. The Planning Commission spent many hours thoughtfully listening and discussing the placement of marijuana facilities in Ontario, as I know the council did. To have the Council make decisions that appear to be a complete reversal of some of our recommendations was very disappointing. The votes by the council appear to favor only a few potential new businesses while ignoring our current citizen's and business owner's concerns.

I speak specifically on one of your decisions to not consider the downtown parks as such. The Council approved a Parks Master Plan earlier this year and considered the Moore Park and the Depot Park as "Parks" in that Master Plan. I fail to see any logic in your most recent complete reversal in your decision to not treat the downtown parks as all other parks in Ontario. We also heard testimony from several downtown businesses who wanted to preserve the historic downtown core area as is. The Planning Commission felt there were plenty of locations in their recommendations for permitted areas to allow for several marijuana retail outlets in town.

I ask that you reconsider your position on the definition of the parks in downtown and treat them as all other parks in Ontario and implement the 1,000 foot buffer around them. Zone C-3 does not need to allow for marijuana operations. If the demand for additional retail operations is so great in the future, the Council could certainly readdress the decision at a later date.

Thank you for your consideration. Respectfully submitted, Ralph Poole, Ontario Planning Commission member

10-22-2018

My name is Judith Kirby. I live at 1612 Idaho Ave. Ontario, Oregon

I have taken my grandchild to Ontario Renewal Group events with activities for children and to Saturday Market at Moore Park at least eight times. The Moore Park is a signed park that is in the city's master plan. I observed a birthday party this summer at the railroad park. You do have a legal right to exclude retail marijuana sales downtown due to the presence of the parks, as found by the planning commission. There is a developmental school run by the ESD at the Social Security Office and a Mennonite School out on the boulevard. As long as they are where they are, you by law, you can't allow retail marijuana to be 1000 feet from those facilities. While I do support zoning restrictions for marijuana related businesses if the ban is lifted. I do not want retail marijuana downtown or on fourth avenue. I do not want our citizens to have to be exposed any more than they

have to, to impaired drivers, and I do not want small downtown business owners to have more limitation of parking, increased littering, or persons loitering. Our downtown needs some help, but one thing they need is the city to clean the streets regularly and continue watering the planters. There are already at least three other sites being developed for retail sales if the ban is lifted and the old Sizzler could still be purchased and developed without affecting residents homes or businesses. You can make marijuana retailers numbers limited if you chose wise land planning. If too many marijuana retailers are allowed, some people have already indicated that they will move. This will make it harder for those who can't afford to, or chose to stay to make a living in Ontario.

I do not understand why the city paid money to mail alerts to property owners to write and testify before the Land Planning meeting, used resident's time who came to testify, and then used the Land Planning members time, and then disregarded their opinions. I also do not understand why the city used two of older residents time of once a week for five months and then disregarded the findings of this committee with no knowledge of points they had found that would be best for our community when it took both opposing sides thoughts into account. (Some of this process was interfered with by Steve Mehlin and Mr. Justus trying to buy up every piece of land, but two pieces were bought out from under Mr. Mehlin and Mr. Justus.)

Your zoning should also affect where marijuana is now being grown now in Ontario, much of which is breaking the rules of the city and the state. Persons do not want grows near their residences as the product stinks, and some are allergic to it.

10-22-2018

To be read into the record during city council meeting 10-23-2018

To the Mayor and city council of Ontario,

I am writing this letter to let you know that I oppose the sale of marijuana in downtown Ontario. I have operated my furniture business for over fifty five years in the same location in downtown Ontario.

I believe the retail environment is tough enough in this day and age and we don't need to make it more difficult. It is my belief that allowing recreational pot sales to be conducted in downtown Ontario would be a very poor decision, and will have no positive benefits for the many business that over the years have put large investments of both time and money into. As a matter of fact I believe that my property value and the Value of MY business will be decreased if such Sales are permitted.

I believe that Parking for the existing business downtown will all but vanish, making it harder for my customers to come and do business. I also believe that the clientele that recreational pot sales would bring into downtown would be detrimental to all the business downtown. All one needs to do is go watch the traffic and clientele in Huntington Oregon for one day, to see that this is nothing we want in downtown Ontario.

For these reason and many more. I implore you the City council to use whatever means available to you to stop any and all marijuana sales in the Downtown area on Ontario.

Thank you

David Eldredge

October 21, 2018

To Whom it May Concern:

We have been in business almost 30 years in Ontario. We love the community here. We have raised four sons and one daughter in Ontario. We have cherished our years working along side the people in this little eastern Oregon town. We have met people from all over and have felt an extreme community bond to eastern Oregon and western Idaho.

We completely disagree allowing the sale and purchase of marijuana in our little town! We feel it will hurt our community and certainly hurt our business. We are happy with this little community and feel that we will have unpleasant and unwanted exposure of cannabis for our family, our patrons and all of our friends here in Ontario. We don't feel that you can ever put a price tag on the damage that illicit drug use can and will do our community here in Ontario.

The City Council needs to understand that quality of life in Ontario will simply dissolve if this is passed. We urge you to consider all of the other aspects of our businesses, families, friends, patrons, and all else who live and come to this little community. It shouldn't ALWAYS be about money, but to some people, it's ALWAYS about money!

Sincerely,

Salvador & Romelia Sanchez

10/23/2018

To the Ontario City Council,

I am writing to encourage you to reconsider the proposed boundaries presented to you by the Marijuana Ad Hoc Committee. I believe this committee's recommendation of boundaries represents both those who want to see dispensaries and those who do not. This committee did the work of listening to citizens as they developed their proposal.

Two years ago, my husband and I chose to purchase a home here in Ontario because we believed the city of Ontario was beginning to make intentional moves to improve Ontario. Moves such as the "O Positive" campaign in the schools; developing incentives for city employees who live in Ontario; and even the upholding of the ban on recreational dispensaries a few years ago. At this point in time, we are beginning to question our decision. We question it because it appears that (specific issue being put aside) the city council is not willing to heed a recommendation that comes from a committee who has done the work of listening to citizens. This is not a characteristic of a community in which we desire to live.

Please consider how the Marijuana Ad Hoc Committee has managed to work to a middle ground in a very divisive issue and listen carefully to their recommendation. Should the ban be lifted with the November 6th vote, I would appreciate know that we have a city government which listens to its citizens. Accepting their proposed boundaries would display that the city council and government is willing to work toward a common good and not just follow the money.

I would like to thank you for your time and service for our community.

Respectfully submitted,

Reverend Chaconne (Connie) Blastock

October 22, 2018

From: Charla Wheeler

Crest Way

PO Box 87

Ontario, OR

To: Planning Commission and City Council, Ontario, OR

My husband and I have three generations of our family living in Ontario. I have recently read the "Mission Statement" for the Ontario City Council.

"To Provide a Safe, Healthful and Sound Economic Environment, Progressively Enhancing Our Quality of Life"

If we as a community choose to invite Marijuana dispensaries into our neighborhoods, we will be relying on the City Council and Planning and Zoning Commission to provide the best guidelines that will allow these new businesses and also protect our children and families with safe, healthful, and sound environments. Those of us residents and citizens who have chosen to educate ourselves on this subject recognize the wisdom and necessity of learning from the experiences of other communities that have already welcomed these businesses. It is very important that we go slowly and cautiously enough to maintain a balanced approach.

The buffer zones recommended by the AdHoc committee make the best sense. It will be much easier to relax or adjust these zones as businesses progress, if all goes as well as promised. It will be difficult, if not impossible, to attempt to enlarge these buffer zones if our community begins to realize the negative impacts that have been the experience of other communities, specifically those in the state of Colorado and many communities in Western Oregon, also including the Huntington region.

We will be watching carefully to see how our council members vote on this issue. We look to you to protect the interests of Ontario residents, citizens, and families over and above the as-yet-unrealized promises of easy money from outside sources.

Please include the larger buffer zones recommended by the AdHoc committee; these proposed new businesses are not similar to other businesses, such as banks, family restaurants, or beauty shops. Our zoning laws should reflect that awareness.

10/23/2018

Mr. Cummings, please forward the message below to the City Council for tonight's meeting regarding proposed marijuana business regulations. Thank you.

To the Ontario City Council:

My name is Russ Belville. While I currently reside in Portland, Oregon, I grew up in the Treasure Valley. I attended grade school in Fruitland; graduated high school in Nampa; attended Boise State University; worked in Payette, Weiser, and Ontario; and served in the Idaho National Guard in Caldwell.

I'm writing to you today about the impending passage (I believe) of a municipal initiative to end the ban on legal marijuana businesses in Ontario. Specifically, I am concerned about the recommendations made by the Planning & Zoning Committee and the Ad Hoc Committee to regulate the operations of Ontario's future marijuana businesses.

I left the Treasure Valley in 2003 for two reasons: economic opportunity and medical marijuana. I worked in various information technology positions in Idaho, but my medical need for cannabis forced me to leave my family behind. There were no jobs in my field outside Boise, but I could find better paying jobs in Portland and avoid criminal prosecution for my medical use of marijuana.

My entire family still resides in the Treasure Valley. I still bleed blue for my Boise State Broncos. For fifteen years, I have watched from afar as nieces and cousins grew up and graduated. Idaho's marijuana prohibition kept me in Oregon. Eastern Oregon's failing economy kept me in Portland.

Now, beginning my fifties, I am excited at the prospect of an economic revitalization in Ontario that could bring me back within easy driving distance of my loved ones. My parents are in their seventies, enjoying the great outdoors of Idaho in their RV. They, too, have discovered the benefits of medical marijuana for the rigors of old age, using cannabis-infused lotions and CBD capsules.

The recommendations made by the committees, however, could seriously impact the economic revival promised by legal marijuana businesses and the 3 percent local tax that comes with them. How and where these marijuana businesses are situated makes all the difference in whether other Ontario businesses benefit. If they are regulated without forethought, Ontario gets more downsides and fewer benefits. And, if you'll pardon my selfishness, the decisions you make today could very well determine whether I can afford to return to the Treasure Valley to retire.

The consideration of so-called "buffer zones" around marijuana businesses is my primary concern. I've never really understood why these marijuana businesses are only safe if they are a certain distance from a school or park. Within 500 feet of Ontario Middle School and the Boys & Girls Club, there is a grocery store selling beer and wine. Within 1,000 feet, there is a Rite-Aid pharmacy selling over-the-counter cough syrup and prescription drugs. Unlike marijuana shops, kids can walk right into those places without anybody checking their ID.

I applaud the council in rejecting the first reading of the recommendation for 1,000-foot buffer zones around two downtown parks leased by the city. Clearly, such a buffer would eliminate the entire downtown for marijuana businesses. The benefit for other businesses from the increased foot traffic would be lost. Shops would be forced to locate in the far east end of the city, encouraging shoppers to get their marijuana and nothing else while in Ontario.

Today, I read that the owner of one of the parks, Moore Park, is attempting to metaphorically extort the council by amending the renewal of the city's lease to be nullified if any marijuana business opens within 1,000 feet. While it is shocking that someone running for mayor of the city would resort to strongarm tactics to subvert the democratic process, it is not surprising.

Proponents of these ridiculous buffer zones present them as the only defense against a downtown core overrun by an "undesirable element." The reality is far more mundane – take it from a fifteen-year resident of a city with hundreds of marijuana businesses. The people shopping there are older and mainstream, their IDs are checked at a locked door and again inside during the sale, the storefronts are clean and attractive, and the nearby restaurants, stores, and shops all do more business.

The proposal of a 1,000-foot buffer zone from a marijuana business to a park or school is purely a form of cultural bigotry. Indeed, across S Oregon St. from Moore Park is Long's Sport Pub, selling liquor by the shot. Across SW 1st St. is Mackey's Steakhouse & Pub, doing the same. Across SW 2nd Ave. is Little Palomino Food & Spirits. Across SW 1st Ave. is Stockman's Market, selling cigarettes, beer, and wine. You literally cannot leave Moore Park from any direction without encountering a business that sells alcohol and tobacco.

I believe the council should seriously consider maintaining the exclusion of the downtown parks from any proposed buffer zones, regardless of any threat to nullify the lease of Moore Park. We are talking about \$750,000 to one million dollars from a 3 percent marijuana tax versus whatever proceeds the city gains from a weekly farmer's market and the costs of maintaining the park. Let this hopefully-losing mayor candidate pay for the upkeep on his patch of grass while all the downtown businesses benefit from the increased foot traffic that legal marijuana businesses will bring.

Furthermore, the council should consider rolling back any proposed buffer zones until they match whatever is required for the sales of alcohol and tobacco in the city. What possible reason, aside from bigotry, justified treating these three legal products any differently?

Ontario is in a unique position to benefit from the legal sales of marijuana, thanks to its border location. Those marijuana shoppers area already coming to Oregon, it's just a question of whether their dollars keep driving 30 miles up the interstate to Huntington, whether they take the eastern Ontario exit and drive past most the city, or whether they take the western Ontario exit and spend time and money rebuilding the downtown economy.

Ontario should enact the most marijuana-business-friendly regulations possible. Bring as much investment and opportunity to the eastern Treasure Valley as possible. Position marijuana businesses to benefit other businesses. Maximize the economic impact of legal marijuana for Ontario.

Thank you for your consideration. I hope your decisions make it possible to return home to my family.

Russ Belville

Owner – Delta-9 House & Studios

Portland, Oregon

10/23/2018

To the City Council of Ontario;

I am writing again to urge you to reject recommendations from the Planning Committee and the Ad-Hoc Committee that would unnecessarily reduce economic opportunity in Ontario by instituting extreme buffer zones around the placement of legal marijuana businesses.

The proposal of these buffer zones would seriously limit where marijuana businesses could operate. Not only would the entire Ontario downtown be off-limits, but most, if not all businesses would have to operate in the far east end on the city.

This is not fair to retail commercial property owners who have seen their storefronts go empty for years in Ontario. In addition to locking out other downtown businesses from the benefits of increased foot traffic, there are few available and suitable properties on the east side to set up a new business.

If businesses are going to be legal in Ontario, why would we work to put so many roadblocks in the way of their success? Don't we want to maximize the tax revenue we receive from these businesses? Don't we want them to create more jobs and have their workers paying payroll taxes, too? Why would we divert all those shoppers away from our downtown that so desperately needs more foot traffic?

I am a medical marijuana patient and have been a citizen advocate on the legislature for two decades. Our state passed a bill – HB 3460 – that first created retail access for medical marijuana. Gov. Kate Brown signed it with the intent of "providing safe and reasonable access to patients" for marijuana. Since then, we have legalized recreational marijuana, and those shops are not providing much of the retail access for patients.

Whether the average cannabis consumer must drive to the east end of town isn't too much worry, but for the sick or disabled person who needs marijuana as medicine, every 100 feet is another burden to overcome. Every buffer from a school, park, or residence just places the source of a patient's medicine farther away and creates another burden for an already-burdened patient.

I ask you to please maintain the stance you took on the first reading of these recommendations. Keep any proposed buffer zones low, lower, or eliminate them. Keep exempting the downtown parks from any buffer zones so that the downtown businesses can benefit from a neighboring marijuana business, even if that means losing the lease on Moore Park. I'm sure the benefits from a 3% marijuana tax and from hundreds of extra downtown visitors a day will outweigh the costs of maintaining someone else's private property.

Thank you,

Lori Duckworth, Board Member – Compassionate Oregon

10/23/2018

This note is to voice my ongoing concern, as outlined in a previous letter, as to the planning process for potential marijuana sales in Ontario. The existence of such businesses in the downtown area will present a set of issues that overlap with, but are not the same as other potential downtown businesses. For the reasons set forth in my earlier letter and those set forth in the

additional letter provided to you today by Shawna Peterson, I urge you to reconsider the direction you are taking on this issue and follow well-considered plan sent to you by the Planning Commission.

Respectfully,
Tim Helfrich

October 22, 2018

To whom it may concern:

If our community votes to approve the opening of marijuana dispensaries, And the current location known as the "Competition appliance store" sells to become a downtown dispensary store my concern is that this new business will generate an extreme amount of vehicle traffic and parking.

There is a concern about sufficient parking to accommodate that level of business, and all current businesses.

I do not feel that such new business should be allowed to block off any amount of controlled parking spaces.

As a downtown store owner this could cause extreme detriment to my business as well as other businesses not having parking available to our customers.

I am not against the store itself I am against preferential parking for this store.

Thank you,
Victor and Rosairo Machuca
Graphixwear owners

To the Mayor and members of the Ontario City Council:

I was born and raised in Ontario, and am a retired teacher and now I can honestly say I am so disappointed and angered by the recent (jumbled) of recreational marijuana operations in downtown Ontario. You have lost my trust and respect. Thank you to Mr. Crume and Mr. Capron for standing up for the Ontario residents. You two gentlemen listened to the citizens.

Dixie Peterson

October 23, 2018

Shawna Peterson

163 Sears Drive

Ontario, OR 97914

Via email to dan.cummings@ontariooregon.org

Ontario City Council

c/o Dan Cummings

Dear City Council Members:

It is disappointing that we are having this discussion after the hard work of your Planning Commission, Community and Economic Development Director, and the Ad Hoc Committee. Their exhaustive look into the planning and zoning issues concerning recreational marijuana in our city was work to be commended, even if I ultimately did not agree with every conclusion reached. Yet their advice went unheeded and their work was discredited and discarded by the Council. So here we go again.

You have and will hear from many about the various problems with the proposed scheme for dispensaries in downtown Ontario that would result from the action at your last Council meeting if that is ultimately adopted. I proudly stand with them, including Manny & Laurie Alvarado, Megan Cook, Time Helfrich and Vickie Heinz. I also take great pride in the fact that you are hearing from us as businesses with a combined presence in the heart of downtown Ontario for well over 100 years. We all actually call Ontario home, as well, which the Council thought was important earlier this year when you put new rules in place requiring residency for City employees. All but one of you voted in favor of that and that may was only because he wanted even stricter requirements. So, I find it very troubling that the same Council would not listen to your Planning Commission, City staff, or the very committee you formed to navigate this issue. Worse yet, you have put the interests of non-local, prospective dispensary owners over the wishes of those of us actually living here and who have bene proudly contributing to Ontario's downtown and beyond for more than a collective century. But that is exactly the course you have set.

Equally disappointing is that the troubling inconsistencies does not end there. Earlier this year, you voted unanimously to adopt the City's Parks and Recreation master Plan that you are not dismantling. In that, you recognized "the need to have parks as a place to recreate, come together as a community, exercise, host fundraisers and get people outdoors is important to the community." This begs the question why today you seem to be taking the position that greenspace in the downtown area is unimportant. It is not a simple question of whether children use the park, but one of a vision for downtown.

The plan you all voted in favor of reads: It is recommended that the City acquire Moore Park and add amenities such as a gazebo facing South Oregon where the decorative wagon was. A Gazebo will provide necessary seating and shade for pedestrians shopping downtown. City of Ontario Parks and Recreation Master Plan, page 6-29.

Your Master Parks Plan additionally provides:

Downtown Park Site SU-17. This existing park is located at the corner of SW 1st Avenue and SW 1st Street. This site is owned by a private individual, but is leased to the city. The site is essentially a urban plaza (green space) located in downtown Ontario. Facilities at the site are limited to a picnic area and open lawn area. Overall, the facility is in fair condition but requires additional development. It is recommended that a master plan be prepared for the long-range development of this site. However, prior to any long-term investment in this site, the city should consider purchasing this site. Some potential facilities that should be considered as part of the design program include:

- Interactive fountain
- Picnic area
- Paved area for displays, seating
- Formal gardens
- Landscaping
- Public art/sculpture

Railroad Depot Park Site SU-18. The Railroad Depot and Grounds are located between SW First Avenue and SW Second Avenue adjacent to the railroad. This site has been developed through private donations with some assistance from the city. Facilities at the site are limited to historic railroad depot, picnic area and parking area. The restoration of the depot is currently in the second phase of rehabilitation. Subsequent phases will include the renovation of the third floor of the building and improvements to the surrounding grounds. It is recommended that the city assist the non-profit group in the development of the depot grounds. City of Ontario Parks and Recreation Master Plan, page 6-29.

What a difference six short months makes. Again, after months of hard work by volunteers and your City staff, and voluminous input from the community, the promises of a vibrant future for an Ontario replete with amenities attractive to the young families we so desperately need is being tossed aside in hopes for a too-good-to-be-true windfall from making Ontario a marketplace for out-of-town pot entrepreneurs and a destination for out-of-state pot purchasers. If you stay your course on downtown dispensaries, you are essentially dedicating these downtown green spaces with the potential to enhance our community to a waiting area for pot buyers.

I urge you to be deliberate and cautious representatives of your constituents. Have you carefully analyzed the traffic impact on other downtown businesses, including parking issues and foot traffic? Have you looked into the capacity of Idaho Avenue, especially at the intersection with Oregon Street at the entrance to downtown? It is nearly impossible to turn left onto Oregon Street now. Will the tax windfall you are drooling over be enough to pay to expand that roadway? Shouldn't that be done before opening the floodgates, if so? Have you looked at additional traffic control signals downtown to safely manage pedestrian crossings? Have you spoken with code and law enforcement to determine whether the promises of no lines, no litter, and no parking logjams are realistic? Or, is that how you envision our downtown parks, that you are arbitrarily labeling as "not parks," being put to good use? Are they to become a gathering place for pot visitors? We need only look to the vehicle and foot traffic, the lines around the block, and the portable toilets now occupying downtown Huntington to anticipate what needs to be investigated further before we invite the same here. But that work simply has not been done.

It is my sincere hope, and my ask of you as a citizen of Ontario with a downtown business, that you adopt the recommendations of the Planning Commission or more stringent regulations. I implore you, for me and my family and every family trying to make Ontario their home, to take a pause and give this the critical thought it deserves.

Sincerely,
Shawna Peterson

Charlotte Fugate, Ontario: I wanted to talk about Revitalize Ontario in perspective to the infrastructure of the downtown. If you add a 1,000 foot restriction buffer to the parks, you will eliminate all of the downtown for dispensaries. If you allow no restrictions, you will bring many investments to the downtown buildings. Any new buildings purchased would have to be brought up to code, current code, so the new value of the buildings would add to the property tax for the city and would improve the value of the downtown. We are close to finalizing the CLG, which is a Certified Local Government entity, and when we do that we will have more money for construction downtown. The merchant's voted against the 1% sales tax, so now this is your

last chance to upgrade hundred year old buildings. We miss the street sweepers (can't understand end of sentence). There are many counties that have dispensaries and they do not have problems. You'd be surprised at how many grey-haired ladies are buying salve for their arthritic-ridden hands. (Something else said that wasn't clear). Thank you.

Bret Moore, Payette: I just wanted to discuss the influx of drugs that are going to come into Idaho. That's what concerns me. Plus, I also work here in Ontario. Where I work, there's going to be a dispensary right across the street. We're already planning on some of those people coming in. The problem is, on the federal form, those people can't buy a gun anyway, so they don't need to come in. I retired from corrections in 2018. I cannot say anything positive about any drug. Sure, they might have some kind of medicinal marijuana that's helping a lot of people; that's understandable. Me, myself personally, I have not seen anything ever positive happen with any drug. I have a kid in prison right now because of drugs. I hate drugs. They have nothing good, there's nothing good in a community. If it was good, Colorado would be booming. If it was good, Portland wouldn't look like a piece of crap. But it does, and it's because of the drugs. The money that is going to be coming in here, you're not going to be able to give enough to that Police Chief to fix the problems it's going to cause. The medicinal stuff, that's fine. That's good for people. It's going to draw an element here that is going to include Mara Salvatrucha, Nuestra Familia, Southside, the Mexican Mafia, and a lot of other dirty gangs you don't want to see in here. They are going to be here, or their people will be here, and it's going to get pegged in my state too. There are so many Ada County and Canyon County plates coming through this area. They're not coming here to shop at the Oregon Market. They're coming here to shop and get their drugs and go home. I think it's a mistake to even have it here, but if you're going to have medicinal marijuana, it better be controlled somehow. But you're not going to be able to control it enough. The actual money that is funding this is coming from the same liberal, radical left that is destroying our western culture and everything about us. You need to think about what you're doing. Thank you.

Cheryl Cruson, Ontario: Good evening Mayor and Council people. My husband and I have lived in the area for the last 42 years. Born and raised here, and we moved back here and purchased two or three businesses. We are property owners and business operators, and we have been contributing to this community for the last 42 years. We own seven tax lots that we pay taxes, however, we're not able to vote because we live just outside the city limits. So our address says Ontario, Oregon, but we can't have a say in what happens. I do have an opinion, and I would just like to go on record against marijuana; however, if it gets voted in, we'd like to make a plea for the buffer zoning. We own a toy and hobby store and it's not too far from the Competition building. I don't want the kids that come to my store to have to be around the element that's going to be with the marijuana store. Right next door is a family restaurant, and kids are going in there with their families. The parks are behind our store and just down the street from our store, and I think you need to consider parking, loitering, and the element that it's going to bring in. A lot's been said tonight that I agree with. I'm not as eloquent as Shawna, and the first letter that Dan read said it all, so please consider your actions. Thank you very much.

Jahmel Cooke, Ontario: Thank you Council for your work. I just wanted to say I like the way your votes went in the last meeting, and I just wanted to show support for those votes. I would've preferred a 150 foot residential buffer, and that's just to allow more competition. After seeing those maps, when we voted in the Ad-Hoc Committee, we didn't know that there would be so much black on the map. Talking and actually seeing it was totally different. Seeing the small areas that would be allowed, you do have to take into consideration that we're not just talking about retail marijuana when you talk about marijuana coming to town. Wholesalers, processors, everybody had to be in these small areas that we are allocating. I do want to impress on the Council to think about the ancillary businesses that would go into that same area having the same buffers placed on them. Also, about downtown, I just wanted to say that downtown areas, for the most part, are geared towards adults. I feel like the downtown area currently is geared towards adults. I frequently go down there. I would love to take an evening and (unintelligible end of sentence). I think that a dispensary could attract the right kind of clientele to make that happen and to revitalize downtown. Thank you.

Katie Donahue, Idaho: Good evening. Thank you for hearing me again. I was here last week and I really want to commend you on being so brave and making such a bold decision in regards to the dispensaries and the boundaries because I'm kind of sad listening tonight because what I seem to be hearing is we don't want those people. No one wants to just come out and say it, is we don't want those people on our streets, and I'm one of those people. My daughter is in the seventh grade; she's at the top of her class; she wants to be an astronaut. I do not want her to utilize marijuana when she grows up; however, regardless of where it's legal or where it is, it's my job as a mother to educate her to not touch those things because she's not ill and she has a future that she doesn't need to ruin. Now before I lived in Gem County, I lived in Malheur County. I lived in Jordan Valley, and I cattle-ranched for quite some time, so I do feel a connection to Oregon, to Eastern Oregon, and I've been on quite a few cattle drives with people who have said they wished they could just draw that line over Idaho, because Idaho is an island of sanity in a sea of insanity. I know children who can't go to the park because they're busy having seizures that medical marijuana stops. My daughter plays with kids who utilize cannabis oil for their diseases. This whole we don't want those people, we don't want it around our business, it's really sad, and as far as loitering, all of those things are illegal anyway. You can't just go outside someone's good business and sit there and smoke a bowl, 'cuz that's loitering and that's already against the law. So as far as these rezoning and zoning, I think it's just fine, and I think the market will settle itself out. So what I'm hearing in this City Council is that people think they're better than other people and they don't want it around their 4th Streets, they don't want it around their six figure income, and that's really sad. That's really sad because what a way to stand up for adversity and teach your children to accept everyone, even the children who need CBD oil, which is what I advocate for a majority, is the children and

if you don't think Colorado is booming, maybe on a recreational level they're not, but Johns Hopkins University is currently studying medicine being made by men in Colorado. So I'm sorry if you have failed your children on drugs, but marijuana has saved me from overdosing on opioids. It has made me the best mom I can be, and I guarantee when my daughter is sitting on a decathlon this year, her pothead mom is going to be sitting there cheering her on because she's not going to grow up and utilize cannabis. She's perfectly healthy and she doesn't need it. Thank you for your time.

Aaron Boshart, Ontario: *I'm speaking to you again today to discuss the residential buffer as it affects the C-2H Heavy Commercial Zone. As I have stated previously, it is clear the citizens of Ontario do not want dispensaries near their homes. I want to speak in support of the Council decision to apply a 200 foot residential buffer in this zone. This residential buffer still clearly limits dispensary operations to the C-2H Zone and the east side of town. I want to urge the Council to maintain this decision as further limiting dispensary operations in this area will push them to areas of town where citizens do not want them. If the citizens vote in support of lifting the ban in November, the city has an obligation to provide at least one area of town for this industry to thrive. I also want to just point out that there's some misinformation about the timeline of marijuana businesses opening here in Ontario. The OLCC has made it very clear that due to a backlog of marijuana license applications, that no licenses in the area can be issued until June or July. Thanks.*

Laurie Alvarado, Ontario: *My husband and I have owned a store in downtown Ontario for the last 15½ years. It's an old bank building with a lot of vintage charm and my many windows allow me viewpoints of the downtown and I'd like to share a little of that with you. I park near the Train Depot so that my customers can take advantage of the parking outside of my store. It's a novel idea that unfortunately some of my business owner neighbors don't understand. I have large trees on the south side of my building that provide shaded parking for my customers during the summer, or my neighbors, whoever arrives there first. I have a large sidewalk that I see many middle school students using about 3:00 o'clock when they're getting out of school. It's a direct route from the middle school to the east side of town, and it's fun to see them in their school uniforms. Kitty-corner from my store is a large group of mailboxes for the downtown. Do you realize how much traffic is at that corner from business owners picking up their mail? Grant, when he was at Quisenberry's, would have to walk to that corner even though, the corner right there at The Competition, even though the Post Office was right next door to him. The Post Office has to save money. To the west of me is Jolts-n-Juice, so I can see their pad filled with bicycle parking. There's a group of bicyclers that meet there on Tuesdays, Wednesdays, and Thursdays, and they ride even if it's 100° outside. It's fun to see the vacationer license plates that visit Jolts. I also see many license plates visiting other downtown establishments. The Old School Smoke Shop and the Ontario Poker Social Room offers services that are not allowed in Idaho. So I see countless 1E and 2C Idaho license plates parking downtown. On the south side of my building, is a new handicapped park. Unfortunately, I see many cars park there without the handicapped placard in their window. The FedEx and UPS trucks double-park on that corner daily. Also on that busy side street, I have a large semi-truck that would double-park once a week. He blocks the handicapped parking and the rest of all those parked on 3rd Avenue. He delivers a pallet about six feet high, bags of soil. I really don't have time to tell you anymore, but here's my point. Downtown is busy. It's got a lot of traffic. Just using the crosswalk between my store and Jolts is scary. If a large 4-wheel drive vehicle is parked in the first parking spot, I lean out beyond the truck's bumper to make eye contact with that oncoming driver. Also, the large 4x4 diesel trucks that make lots of noise through that downtown corridor of tall buildings, you have to accelerate to make that noise, so pedestrians can scramble out of the way as you rev your engine. I'm not even going to go into distracted cell phone drivers. We don't need line ups around the block to add to the traffic and parking stress. We don't need impaired drivers visiting the downtown corridor buying whatever they can't buy in Idaho. Please protect and keep the downtown like a genuine downtown. Please consider the domino effects that dispensaries could potentially cause if allowed in that downtown corridor. Thank you.*

Jeremy Archie, Portland: *I am the guy that was thinking about downtown and the parks. Someone told me to talk about what's leased, what's owned, and even after hearing Katie and Shawna Peterson, all I can say is you've heard both sides very extensively. I think last week, when you had a chance to hear lead points from the advisory committee speak, John Kirby made a reference that there were a certain amount of "them" driving through our city. I noticed the dialog kind of kicked up from there. I just want to point out that when people are talking about this city, and who is local and who is not, I think it goes beyond that. If the vote passes November 6th, it's not a "them" and "us", it's a we. Cohesively, by state law, given the opportunity to do business here, people have to co-exist. I understand that some people are against it, and I'm obviously for it. I think that there is a lot of potential that's been overlooked and I don't want to overlook the local's concerns by any means, but I personally, when I look at that downtown, regardless of debating the amount of square footage or parking, etc., coming from a city like Portland, maybe it's that I'm 6'2" and 230 pounds, but I don't feel in any form of danger at a crosswalk. People stop, they wave, and it's regardless of whether or not I'm a cannabis guy. I'm a normal guy. I'm like everyone else. I just happen to work in this industry as it evolves and focuses all over the state. I don't want to leave and leave. I want to buy the building. I want to own the building. I want to engage with my neighbors. I want to pay taxes, and be respectful. I want to do everything I can. Whether or not these parks are looked at as leased, it's a zero buffer, or guys vote tonight to do whatever, the point is if it does pass in November, it's not a "them" and "us". It's a we. I think people need to realize that. Thank you.*

Riley Hill, Ontario: *There's something I want to show you. (Handed out something). I'm the owner of the Moore Hotel property. I've been accused as a blackmailer, we're going to have a showdown here, but I want to talk to you here in a non-confrontational manner, and discuss what we really have going on here. What's going on here right now is the voters are going*

to decide on November 6th whether we're going to have marijuana in town or not have marijuana in town. We're talking about a land use issue right now. A land use issue that is going to affect the people in the downtown corridor area. If I were to put a subdivision in, or change the use of some property from Commercial to Residential, or so forth, you would have to put out notices to the people in a certain distance around that property, let them come down, speak, make a decision, and then after that happened, there's a chance for people to appeal to LUBA. I don't see that happening here, so we are at a land use issue. We're not talking about marijuana right now, or whatever that may be. You already know my position on marijuana, and I really want to...I paid for this park, I paid for the improvements myself. I wanted a nice place for downtown and it has been a nice downtown gathering area for quite a while. For, I think, at least 15 years, maybe a little bit longer, leased to the city for \$1 a year. I want to continue doing that, but, having said that, it doesn't appear that the Council has listened to the Ad-Hoc Committee, or listened to the Planning Commission, and they have given more credence to my very good friend Dan Cummings in his presentation, and he is my good friend. I don't know why that would carry more weight than what the downtown business owners have, what the Committees have done, so I do want to lease the park back, but I want to have a 1,000 foot radius. Having said all that, something that's been said before, let's take, we don't know what's going to happen on November 6th, so let's take the safe approach and let's say, okay, we're going to include that park because it's in the Master Plan, let's put in the 1,000 foot radius, then, if the city wants to pass this, then down the road, they can relax those regulations. They have that option. But, if you open it up now and decide you don't like that, what's going to happen downtown, you can't reverse that because it's all grandfathered in. So, I urge you take the very safe approach. I'm going to show you something. This is yesterday. This isn't medical marijuana. I'm going to show you this stuff. This came yesterday. My property that I have something to do with...this isn't parceled. Right here, you see this stuff is parceled in, and right here, a little part of this other deal, at the same place, and I'm not going to say where it is right now because the Police are investigating. This guy found a way to keep the doctor away with the apple a day, I don't want to get high here, he got his, whatever you do with this stuff, you got the apple here to hold it and then you have the pipe here to deal with it. This came from very close to the park. Very, very close. If you go to the next one, it's all from the same household. You start with marijuana and then you move it up. You want to see in here? In here we got needles, we got syringes, we got all kinds of stuff.

Brad Bartolome, Ontario: I do have a financial interest in the cannabis industry. I do personally support a 500 foot buffer, and additionally do support a 1,000 buffer for retail to retail. I want to put a couple of rumors to rest. I think I can officially put them to rest. I feel close to both sides of this room. There is no monopoly out there, and counting those in the room right now, I think there's six players right now, land owners in the industry, and then some outlying people that are just coming into the process. There's a ton of people in the room here tonight. The city asked me several months ago to be part of that Ad-Hoc; I said I would. I found out who I was going to be working with. It was Steve Meland with Hotbox, and then there were some conservative people like Dr. Peterson and John Kirby. Having said those names, collectively the battle was the bulk of the conversations that took place between the conservatives and the pros were those four people. Some didn't attend the meetings, but those four diligently did. I also am in favor of keeping this Ad-Hoc Committee going, regardless of the vote. I did hear that Andrew Peterson did resign from the Ad-Hoc Committee, and I wish that he would reconsider and jump on board if this Committee is still in existence. We all voted, unanimously, between four of us, 500 residentially, 1,000 retail to retail, and we took that to the Planning Commission. They were very uneducated and didn't know a damn thing about the industry. They voted zero across the board, putting a dispensary on every single block. They didn't understand. They weren't educated. Some of you guys aren't educated on it either. Please get educated; do due diligence. Please use the Ad-Hoc. We work hard for you guys. 1,000 foot buffer retail to retail. You can always move that buffer. You can't move it the other way. You know what I'm talking about. You've asked us when we started the Ad-Hoc to protect the city; we've done that, generously. We didn't really want it, the 500 foot buffer, we said we'd play along. We've given a lot. I think Mr. Peterson and Mr. Kirby would concur. We did give a lot to this Ad-Hoc Committee. I did want to say thank you to Mr. Ron Verini for your service, hard work, and diligence. It was appreciated. Betty Carter, thank you for your efforts. Thank you very much.

Glen Banner, Ontario, stated he meant no disrespect to anyone, and then read a letter into the record: Shame on our city council!!! By a 4 to 2 vote last Tuesday night (Oct. 16) they sold us right down the river. How unfortunate and short sighted that vote was. Kudos to Capron and Crume for voting 'no' and standing up for the people of our town, many of whom testified before the planning commission earlier how important it was to keep our downtown core "clean." They care! The rest voted 'yes.' "Citizen in-put" was totally ignored and the vote was to declare two city parks as "non-parks." We really thought better of Carter and Palomo. With the other two (Jost and Verini) it was pretty much expected. (Note – Thankfully, Justus, to his credit, had recused himself due to conflict of interest.) We had the perfect out, not to do this. Railroad Park will always be a park and Moore Park could just as easily be gifted to the city for a permanent park as to be sold. Not likely, but could happen! Instead the council chose not to count them as parks (because they are used less) and eliminate them as a "buffer zone" to protect our downtown core. How sad! Why not take away the buffer zone from around a school or two and we could just have dispensaries all over town? (Please excuse the sarcasm there.) This city council will soon be changed as new people come in. Then we will have even less chance to prevent things like the above from happening. The choice for the kind of city councilors we really need has dwindled to only a couple. Please help us avoid all the chaos by voting 'NO' to maintain the ban!

John Kirby, Ontario: Mr. Mayor and members of the City Council, tonight Councilor Justus could not have said it any better in the Argus. We need to listen to each other. We started this Ad-Hoc Committee, which I was a member, for us to listen to each other and try and come to some consensus. I can tell you this was a hard deal because we all came with our own point of view and

vested interest. We spent almost five months, every week, talking to each other. We yelled, we voted things down, we brought them up, we voted again, and we brought what we thought was something that we could bring this industry if the vote passes, we're going like this, politically, but we had a common goal that if this does pass, that we would have something that we could all live with. So then we brought it to the city Planning Commission, and they, for the most part, echoed what we did. They changed the one buffer on distance between retail and dispensaries, which we didn't care for, but we were asked by you to listen to the people. We did! And it was hard. I will say that Councilors Crume and Capron came to our meetings from time to time to listen. You had staff there when Dan was not able to take minutes, the Fire Chief, or the Police Chief, or the City Manager took minutes. They saw our earnest that we were trying to do the bidding of your request. We come down here last week, and you basically spit in our face. You try and form another Ad-Hoc Committee, and you request to listen to the people, I don't think you're going to get too many hands raised. I think you need to reconsider what happened, 'cuz I can tell you both from the marijuana side, as well as the opponents, the people that I represent, were both stunned when you walked out of here last week. You didn't make anybody happy. Maybe that's what you planned. You're all my friends, but you didn't listen to us. You asked us to listen for you. We did. Dan has given us his wise counsel from time to time, but we didn't always agree with him, because we didn't feel it was a good interest of the community. His head is going up and down, because we didn't always agree. If nothing else, I ask that you reconsider your actions from last week, and listen to the people. They're here tonight. You really missed at the Planning Commission, the heart of the testimony. The people have spoken, and I want you to listen. They want buffers, they want this end of one part of town, they don't want their homes next to it. If we have too many dispensaries, they won't be successful. If you're going to get money off this thing, you better have successful dispensaries. We looked around towns all over this state, and I'm out of time, so good night.

Tim Brewer, Ontario: City Council, I'd like to share with you my concerns with removing the buffering zones if the marijuana initiative passes. As you know, two years ago, 70% of our town said that they didn't want marijuana being sold in our area. That said, if this initiative passes on November 6th, at best, our community will be vital. Setting the buffer zones allows the City Council to assess, and to measure the impact before opening up a large portion of the community to dispensaries. It would allow you to measure the impact upon law enforcement, upon the medical community, upon our junior high and high school students that may be impacted by it. This decision has serious implications, and I really believe you haven't thought it through. I do not understand why you did not accept the recommendation that came from City Planning and the Ad-Hoc Committee. You chose them to do this, then you didn't listen to it. Mayor Verini, this is not a stab at you, but at a community meeting about the 1% tax, you made the statement, and you made it loud and strong, you don't trust us. This is why we don't trust the City Council. You said that, because you don't listen. That's what these people have said. They're bringing the best recommendation to you. I'm concerned that you're being reactive. Those who support removing the buffer zones believe that this a golden egg to support the community. I believe that you are making this decision based on economics, and not thinking about the social or moral implications of bringing these dispensaries to our community. Is it a big deal to start small and expand as the City Council sees benefit? Do you really believe that the people who want to put these dispensaries in different areas of the buffer zones, aren't going to show up six months from now, or a year from now? Sure they are. There's millions of dollars at stake. But, stepping back gives you the opportunity to take the time to assess what this can do to our community. This is your legacy. Listen to that. This is your legacy. If you can look at us tonight, and with 100% guarantee and with conviction and passion, say that this will not impact our community in a negative way, then vote yes. Remove the buffer zones. But if you have doubt, if you wonder if it will impact our law enforcement, our junior high students, our high school students, our children, and our families, then take a step back. Set up measureable assessments of how it will impact these different areas, and six months or year later, come back and evaluate it. That means that we walk into this with our eyes wide open. I think that's the best kind of decision you can make. Thank you for listening.

Pat Carter, Ontario: Your decision tonight will have consequences affecting the entire valley, not just people. Portland has one shop for 2,250 people. Gresham has one shop for 11,500 people, and now..... as many as 20 pot businesses in Ontario? If this initiative passes, we could become the cannabis capital of Oregon, possibly.....pot shops per capita, as Portland, Salem, Eugene, Gresham....crime statistics are monitored by companies, and are watched closely by potential businesses and families considering relocation. April 2017, Dr. ** and the Ohio State University on social work published a three year study of Long Beach and Denver. The study reveals that property crimes increased in areas spatially adjacent to dispensaries, on per mile and further by 100 cases per mile. The study hypothesized that the security hired by the dispensaries gave a measure of protection equaling about a block and a half. Dispensaries have bars on windows, maybe security cameras, and multiple rooms people must pass through before they can buy their product. Can you name one other business compelled to take these precautions against their own customers? How many pot shop customers can you really think will go to Eldredge and buy a recliner? Or Alvarado's and buy jewelry? HVAC to get their furnace fixed? Blackaby's for insurance? Protect the businesses we already have or you risk losing them to the other side of the river, too. First impressions matter. Is a pleasant, but cared for city without malls and a splash pad worth the worst scenario you can think of? Compare that to shopping centers, or areas proposing several pot shops. Increased numbers of homeless and the likelihood of people high acting out. We won't get a second chance to make that first impression. We need to restore the buffers. Many of our citizens feel like they have nothing to gain if the initiative passes, and an awful lot to lose. Buffers really matter to them. I've heard countless times, "we'll probably sell our home and leave Ontario if this initiative passes, and we are overrun with dispensaries and pot shops". They are frustrated and irritated that the self-serving group is determined to change Ontario in a city with west side values. These good neighbors, as we've been told, have stolen most of the opposing signs, challenged people with sign in their yards, and told them "you're too old to know

anything; you're stuck in the '50s; it's time you changed; you're going to die pretty soon anyway, and it's our turn; I feel sorry for you, you're ignorant". Your citizens have raised their families here, volunteered here, bought homes here, are reliable, hard-working, honest, and can pass an employee drug test. They are people cities and employers compete for. If the initiative passes, and you double-down on your buffers tonight, you will lose more good people than you will ever gain back. Fix the buffers.

William Esbensen: Thank you Mayor and Council members, and thank you for allowing me to speak tonight. I just want to point out a couple things. Right now, as I stand before you, you have 30 states that have some form of medical marijuana. We have nine states with full recreational marijuana sales. Two states are coming up in November, in two weeks, for full recreational sales, and two other states for marijuana. The cannabis industry is not going anywhere. The genie will not fit back into the bottle. Having safe access to a regulated market is the best way to approach cannabis use. It puts money into the communities. According to the Department of Justice, teenage use is down for the first time. Opiate deaths are down by 20% in communities that have access to marijuana, and as you all know, Ontario has a bad opiate problem and a methamphetamine problem. 12,500 jobs have been created since House Bill 3460 passed. We estimate 50 to 100 jobs will happen right here in Ontario. That's without the ancillary businesses. Now, not all of those people will probably be from Ontario; a lot will be from Malheur County, but will live here. Some of them won't. That's just part of it. That's with every business in this community, there's a lot of Idahoans that come here to work. A lot of Idahoans that come here to shop, not for marijuana, but for other things. The buffer zones that have been talked about during these meetings, with the 500 and 1,000 foot ones, are just not what the legislature intended for reasonable access, so we have patients within this community that live on the west side of town, that don't have access to a car or a ride through a bus system or something, and they would have to travel six, seven, eight miles to the other side of town, the busiest side of town, and we're gonna congest more people to that side of town. It just doesn't make any sense to have safe, reasonable access for medical marijuana patients. The downtown area is 30% empty right now, just from what I've understood and looked at, and it needs revitalized. There's people there that are willing to put money into these buildings and buy some of these buildings and revitalize them to your guy's codes and such. It's not a bad thing to have this cannabis industry in Ontario. Thank you.

Dennis Carter: I have two issues that I want to talk to you about tonight. One is the downtown area and their recognition of the downtown park. You've pretty well covered it, and I think you need to listen to your downtown business people related to that issue. Those are parks that you maintain, that are used, and you should be proud to have as parks. They should be recognized as parks just as you do the other parks. You should put that park back in. You need to listen to your downtown business people. The second part is the timing of this action that you are thinking about taking tonight. You have a ballot issue that's going to be up in a couple of weeks. That ballot issue will not change what happens with the medical marijuana. All the issues that people talk about are not affected by that ballot issue. The ordinance that you're considering assumes that the ballot issue will pass. It eliminates the, what you now have for medical marijuana, and replaces it with a combination of medical and recreational marijuana. If that ballot issue fails, you now have a very confusing ordinance that mixes it all up. It mixes up what's legal with what's not legal. My encouragement to you tonight is to address the issue of the downtown area and what you would do in your ordinance, but to table passing an ordinance until you find out what happens in the ballot issue. It isn't like you won't have time to address the issue, and you've already discussed and done all the things that you need to in order to put something in place. If you need a thing resolved there is conflict on tonight, you can table the rest. Once the ballot is voted on, you have plenty of time to implement this before anything can really happen. The ballot won't even be certified for a little while. During that period of time, you're going to know how it came out. You can certainly take your action during that time. I would encourage you to table this tonight, finish it up later, you've heard everybody for now for three weeks, and you certainly can even say we're going to table it, we're going to vote on it after the ballot issue and when that's done, we're not really going to go through and have everybody talk all over again, but you can do that if you want to. I'm done. I just encourage you to table it tonight.

NEW BUSINESS

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 Second and Final Reading by Title Only

Councilor Marty Justus declared a conflict of interest.

Dan Cummings, Community Development Director, presented.

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

On Monday 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. When a local initiative and referendum to remove the ban that the City of Ontario placed on the operations and activities of marijuana was put up for a November 6, 2018, vote, 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 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 for buffer setbacks. It is noted 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, including the document which included the Ad Hoc Committee recommendations, along with existing buffer setbacks established under Title 10A-58. Staff also presented recommended buffer setbacks. Others were recommended by both the Ad Hoc Committee and city staff and previously established under Chapter 10A-58.

The Planning Commission met in a Public Hearing on October 8, 2018, and sent the following recommendations to the Ontario City Council for approval:

Amendment actions are 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:

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.
 - I. 10A-57-75 (4) one space for each employee and one for each 300 square feet as per text in Exhibit "A".
 - II. 10-57-75(6) one space for every 300 square feet of gross space.
 - III. Other (state):
 - IV. 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 Ontario City Council met and conducted a Public Hearing on 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. After the presentation of the staff report and hearing the recommendations from the Planning Commission, the action was opened up for public comment. Following public comment, the Hearing was closed and the following motions were made by the Council:

- 1. I move that the City Council approve 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.
- 2. I move that the City Council approve under Section 9, 10A-59-15 (A) (6) {in the C-1, C-2 & C-3 zones} a **200** foot buffer from all residential zones as noted in the text of Exhibit "A".
- 3. I move 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.
 - A. 10A-57-75 (4) one space for each employee and one for each **300** square feet as per text in Exhibit "A".
 - B. 10-57-75(6) one space for every **300** square feet of gross space.
- 4. I move that the City Council approve under Section 9, 10A- 59-25 (A) (5) {in the C-2H, E-2, I-1 & I-2 zones} a **350** foot buffer from another marijuana recreational facility.
- 5. I move that the City Council approve under Section 9, 10A-59-25(A)(6){in the C-2H, E-2, I-1 & I-2 zones} a **200** foot buffer from all residential zones as noted in the Text of Exhibit "A".

6. I move City Council to not include the city leased parks designated as Moore Park and Depot Park in the 1000 foot buffer requirement.

CRUME moved, seconded by PALOMO, **THAT THE CITY COUNCIL ACCEPT THE ESD SCHOOL AS A BUFFER ZONE OF 1,000 FEET FOR THE POSSIBLE MARIJUANA DISPENSARIES ACTION.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion carried 7/0/0.

10/23/2018 Dan, This email is [to] provide some history with the property located at 885 SW 30th Street in Ontario. The property is zoned Ontario UGA-C2. Ontario Planning and Zoning Development Standards (10A-53) would be the zoning regulation the County would use for land use regulations for this property. Currently, the property is being used as a private school. Schools would be considered a condition use in this zone. The school has not applied for a conditional use permit from Malheur County. At this point, they are violating Malheur County's Code, but we have not received complaints and therefore have not taken any action. At one point the board which oversees the school was looking for alternative sites. I do not know if they have found a suitable site. Thank you, Eric Evans, REHS, Planning Director, Malheur County Planning & Zoning

CAPRON moved, seconded by JOST, **THAT THE CITY COUNCIL APPROVE UNDER SECTION 9, 10A-59-15 (A)(5) (IN THE C-1, C-2 & C-3 ZONES) A 1,000 FOOT BUFFER FROM ANOTHER MARIJUANA RECREATIONAL FACILITY.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-recused; Capron-yes; Jost-yes; Verini-yes. Motion carried 6/0/0/1.

CAPRON moved, seconded by JOST, **THAT THE CITY COUNCIL APPROVE 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".** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-abstained; Capron-yes; Jost-yes; Verini-yes. Motion carried 6/0/0/1.

JOST 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 & I-2 ZONES) A 1,000 FOOT BUFFER FROM ANOTHER MARIJUANA RECREATIONAL FACILITY.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-recused; 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-59-25(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".** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-recused; Capron-yes; Jost-yes; Verini-yes. Motion carried 6/0/0/1.

JOST moved, seconded by CARTER, **THAT CITY COUNCIL APPROVE A 1,000 BUFFER AROUND ANY PARK DESIGNATED AS A CITY PARK IN THE CITY'S MASTER PLAN.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-recused; Capron-yes; Jost-yes; Verini-yes. Motion carried 6/0/0/1.

PALOMO moved, seconded by JOST, **THAT THE CITY COUNCIL APPROVE ORDINANCE 2748-2018, DIRECTING STAFF TO MAKE THE AMENDMENTS MADE TONIGHT TO 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 SECOND AND FINAL READING BY TITLE ONLY.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-recused; Capron-yes; Jost-yes; Verini-yes. Motion carried 6/0/0/1.

Councilor Justus returned to the Council dais.

Ordinance #2744-2018: Amending 10B-02-55 of the Planning and Zoning Code to Authorize Changes in Planning and Zoning Fees by Resolution

Councilor Marty Justus declared a conflict of interest on this action.

Dan Cummings, Community Development Director, presented.

The City needs to update the fees to keep up with current financial obligations and increase in expenses. It was more streamlined when done by resolution. The proposed amendment would keep all fees uniform by resolution by amending City Code 10B-02 to allow fees to be updated by resolution action.

After the recent update to city fees through Resolution #2018-124, it was discovered that the Planning and Land Use Action Application Fees were still set by ordinance.

All other fees having been updated through Resolution #2018-124 and the proposed ordinance amendment would comply with the amended fees.

Staff was requesting the adoption of Ordinance #2744-2018 through an emergency action.

JOST moved, JUSTUS seconded, **THAT THE CITY COUNCIL APPROVE ORDINANCE #2744-2018, AN ORDINANCE AMENDING SECTION 10B-02-55 OF THE PLANNING AND ZONING DEVELOPMENT CODE TO AUTHORIZE CHANGES IN PLANNING AND ZONING FEES BY COUNCIL RESOLUTION ON FIRST AND SECOND READING BY TITLE ONLY ON EMERGENCY PASSAGE.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion carried 7/0/0.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

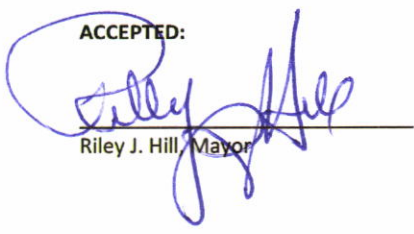
Councilor Justus reminded everyone of the haunted house at the old City Shop on Friday and Saturday night. They were looking for volunteers.

Several Councilors and the Mayor thanked the community for their attendance at the meetings and for participating in the issue facing them all with regard to marijuana.

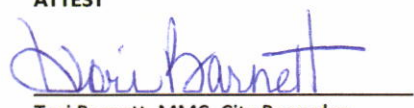
ADJOURN

CRUME moved, CARTER 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:


Riley J. Hill, Mayor

ATTEST


Tori Barnett, MMC, City Recorder