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yes...

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Cottage Grove Sentinel

WEDNESDAY, FEBRUARY 11, 2015

SOUTH LANE COUNTY'S MOST AWARD-WINNING NEWS SOURCE SINCE 1889

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You don't say!

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Council votes to regulate e-cigs

Ordinance prohibits use by minors,
restricts marketing

BY MATT HOLLANDER
The Cottage Grove Sentinel

On Monday, the Cottage Grove City Council took a significant step towards regulating electronic cigarettes (ESDs) within its local jurisdiction. By a vote of 6-1, the Council passed an ordinance that includes prohibitions of ESDs for minors, includes re-

strictions on product marketing and subjugates ESDs to the same restrictions of use as tobacco under the Oregon Indoor Clean Air Act.

The ordinance came in response to the previous City Council meeting on Jan. 26, in which the Council received a presentation from Lane County Health and Human Services staff regarding the County's

Tobacco Retail Licensure program. The program — which includes ESDs — is intended to more effectively regulate the market by providing better leverage for enforcement. If, for example, a retailer consistently sold tobacco products to minors, he would risk losing his license to sell the products.

One of the options discussed at this meeting was either for Cottage Grove to implement its own licensure program or empower the County to administer one on its behalf.

While the City's ordinance draws heavily from the County's example, a major distinction is that it only deals with ESDs.

After conducting independent research, Councilor Jake Boone — the lone nay vote — said the Council was "hornswoggled" by the County's presentation, specifically in regards to its claims of health risks. He said the County's list of cancer-causing chemicals in ESDs was greatly exaggerated and that much of its data was formed by extrapolation on unsustainable

levels of ESD usage. Councilor Boone accused the County of having an agenda channel funds from this program back to its own agency.

Councilor Boone also questioned the County's view of ESDs as a gateway to other harmful substances. He said ESDs are the "lesser of two evils" when compared to cigarette use among Cottage Grove youth.

In response, Councilor Mike Please see **COUNCIL**, Page 8A

In Times of Trouble

The efforts of many to treat mental health
crises in Cottage Grove

BY JON STINNETT
The Cottage Grove Sentinel

At the far end of the emergency department at PeaceHealth Community Medical Center in Cottage Grove sits an exam room not quite like the others.

The size and dimensions are similar, sure, and the room can be converted to operate like its neighbors. But here no pictures adorn the stark beige walls. Absent from view are the medical instruments, kept behind a steel door that can be rolled up and out of sight to reveal them as the need arises. A soft padded bench abuts the back wall, and a window allows those in an unseen adjacent room to closely monitor all activities in this one. A sign near the door describes (in lan-

guage not dissimilar to the Miranda Rights read to arrestees) the situation of the moment to the room's current occupant.

"You are being held in this hospital because someone is concerned that you may hurt yourself or other people," the sign reads. "Anything the staff of this hospital observes you do or say while you are in custody here may be used as evidence in a Court of Law to determine whether you should be committed as a mentally ill person."

It's known as the "safe room," a room set apart that's purposefully devoid of objects a patient may use to harm himself and any external stimuli that could exacerbate an already fragile mental or



photo by Jon Stinnett

Dr. Paul Kranitz, Director of the Emergency Department at PeaceHealth Community Medical Center in Cottage Grove, stands in the hospital's safe room, which provides a place for treatment that's largely devoid of external stimuli and dangerous objects.

Please see **TROUBLE**, Page 9A

Oregon Supreme Court dismisses City's water rights appeal

City objected to order to conduct fish study
before drawing more water from Row River

BY JON STINNETT
The Cottage Grove Sentinel

The Oregon Supreme Court recently dismissed an appeal by the City of Cottage Grove of a decision that called into question the validity of a water right sought by the City, a move that has perplexed city officials and the City's legal team.

The City had previously argued that Oregon's Water Resources Department had issued the City a right to draw more water from the Row River prior to a 2005 law that mandates a study to determine "fish persistence" in the river and determine ways to reduce waste in the city's

water systems. In late 2013, however, Oregon's Court of Appeals disagreed and sided with Water Watch, a Portland-based non-profit that aims to "protect and restore water to Oregon's rivers," which objected to the issuance of the water right on the grounds that the studies had not been conducted.

Cottage Grove Public Works Director Jan Wellman argued that, while the City does not currently need the extension to draw more water from the Row River, the expectation of population growth means the City needed to plan for increased water needs in the future.

"We have to have water rights

that reach into the future," Wellman said. "If you're looking ahead 20 to 25 years, you have to start securing the water rights you need now."

The last time the City needed to prove its right to draw water from the Row, Wellman said, it was only capable of drawing about two million gallons per day from the Layng Creek treatment facility. The 2008 construction of the Row River Water Treatment plant doubled the City's capacity, and Sean O'Day, an attorney representing the League of Oregon Cities, said he believed the City had proven the entire water right granted by the Water Resources Department when it began using the Row River facility.

In early 2014, the City enlisted the help of attorney Mi-

chael Gillette, who served as an associate justice on Oregon's Supreme Court from 1986 until 2010 and served as a judge on Oregon's Court of Appeals from 1977-86, to appeal the case to the Supreme Court. The City also had the League of Oregon Cities in its corner, as the case was deemed of interest to any municipality in the state that finds itself in the process of seeking an extension of its water rights.

Gillette told the Sentinel last January that an excellent legal argument could be made that, once issued, a water right is inviolable. He added that the Supreme Court could potentially be interested in the case because of its potential importance to other communities.

"The substance of it is a ques-

tion of whether what the City did to attain the water right is sufficient," he said. "That question is important by itself, because it's something every city in Oregon has to do at one time or another. On the procedural side, there's a notion that, once the Water Resources Department issues a water certificate, there's a statute sort of saying that the certificate is good 'against all the world.' There's a question of whether the Court of Appeals can overturn something like that, and it's an important question for any citizen who deals with a state agency."

The Supreme Court's dismissal, though — which comprises all of one page that came to the City without further explanation — amounts to a decision not to accept the City's appeal, which

City Manager Richard Meyers called a "weird surprise."

"It's bewildering," Meyers said. "In a way it's like they wasted our time. In essence, they're saying that what we've already done is no good and we have to do the study."

Meyers said the City is "still looking at its options" to decide what to do next.

"It could be a legal solution, legislative, I don't know," he said. "We were granted a water right, and when one is granted, no one is supposed to be able to take it away. How can a court decide to do that?"

City officials were expected to meet with the City's legal team on Monday to discuss their next move.

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