

ORDINANCE NO. 2017-01

AN ORDINANCE AMENDING ORDINANCE NO. 2012-05 AS AMENDED BY ORDINANCE 2015-03; CLARIFYING LAND USE APPLICATION PROCEDURES; REVISING CERTAIN DEFINITIONS AND USES PERMITTED IN CERTAIN ZONES; SUPERSEDING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

WHEREAS, the City of La Pine (“City”) adopted Ordinance No. 2012-03 establishing land use and development regulations governing medical marijuana dispensaries;

WHEREAS, through a referendum from the City, the voters of the City voted to allow the establishment of recreational marijuana businesses within the City;

WHEREAS, City initiated planning file no. 2017-011F to amend Ordinance No. 2012-05, as amended, (collectively, the “Zoning Ordinance”), to allow recreational marijuana businesses as a permitted use consistent with the outcome of the referendum;

WHEREAS, City provided appropriate notice to the Department of Land Conservation and Development and all other parties entitled to notice of proposed Zoning Ordinance amendments;

WHEREAS, City provided “Measure 56” notices to property owners in the Transitional Area (TA) zone in compliance with ORS 227.186;

WHEREAS, City’s Planning Commission, after receiving public testimony, and deliberating fully on the proposed amendments, voted unanimously to recommend approval of the amendments to the La Pine City Council (the “Council”) on February 28, 2017;

WHEREAS, a draft of this Ordinance No. 2017-01 (this “Ordinance”) was available for public inspection seven days prior to the Council’s April 12, 2017 meeting; and

WHEREAS, after receiving public testimony on the proposed amendments during a scheduled public hearing on April 12, 2017, the members of the Council present unanimously voted to approve the recommended amendments by adopting this Ordinance.

NOW, THEREFORE, the City of La Pine ordains as follows:

1. Findings. The above-stated findings and the findings in the staff report, attached as Exhibit A and incorporated herein by this reference, are hereby adopted.
2. Zoning Ordinance Amendments. The amendments to the Zoning Ordinance contained within the attached Exhibit B, incorporated herein by this reference, are hereby approved and adopted. The foregoing amendments are hereby made part of the Zoning Ordinance. The provisions of the Zoning Ordinance that are not amended or modified by this Ordinance shall remain unchanged and in full force and effect. The foregoing amendments supersede any ordinance and/or resolution provisions, and/or policies in conflict with the amendments.
3. Severability; Savings; Corrections. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such

invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. Nothing in this Ordinance affects the validity of any criminal or civil enforcement actions commenced prior to the adoption of this Ordinance; all City ordinances existing at the time that such actions were filed will remain valid and in full force and effect for purposes of those actions. This Ordinance may be corrected by order of the Council to cure editorial and/or clerical errors.

4. Emergency Declaration. The City Council finds that passage of this Ordinance is necessary for the immediate preservation of the peace, health, and safety of City's citizens. Therefore, an emergency is hereby declared to exist. This Ordinance will be in full force and effect upon its passage and adoption by the City Council and signing by the mayor.

This Ordinance was PASSED and ADOPTED by the La Pine City Council by a vote of ___ for and ___ against and APPROVED by the mayor on _____, 2017.

Dennis Scott, Mayor

ATTEST:

Cory Misley, City Manager

Exhibit A
Staff Report for Planning File No. 2017-01IF



Mayor Dennis Scott
Councilor Stu Martinez Councilor Donald Greiner
Councilor Karen Ward Councilor Connie Briese

CITY OF LA PINE

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STAFF REPORT TO CITY COUNCIL

CASEFILE: 2017-01IF

HEARING DATES: February 28, 2017, 5:30 pm, Planning Commission
April 12, 2017, 6:00 pm, City Council

REQUEST: Legislative amendments to Sections 8 and 10 of the City of La Pine Zoning Ordinance No. 2012-05 regarding marijuana dispensaries.

STAFF CONTACT: Tammy Wisco, PE, AICP, Planning Consultant, (210) 896-3432

I. INTRODUCTION

The City has proposed legislative text amendments to City of La Pine Ordinance 2012-05 and to Ordinance 2015-03, an ordinance amending the Zoning Ordinance No. 2012-05. The proposal is to create definitions for certain marijuana businesses and add them allowed uses in certain zones. Specifically, “marijuana dispensaries”, which are medical marijuana dispensaries, recreational marijuana retailers, or both are principal uses in the traditional commercial (C) and mixed use commercial (CMX) zones; “marijuana testing laboratories” are principal uses in the traditional commercial (C) and mixed use commercial (CMX) zones; “marijuana production facilities”, “marijuana processing facilities”, “marijuana testing facilities”, and marijuana wholesalers” are conditional uses in the industrial (I) zone; and all “marijuana businesses” are expressly not allowed in the Transitional Areas (TA). The amendments also establish business specific regulations and clarifies permitting processes. The proposed amendments are listed in Exhibit A.

II. APPLICABLE CRITERIA

1. City of La Pine Ordinances:
 - a. La Pine Land Use Procedures Code, Section 3.0.0
2. City of La Pine Comprehensive Plan
3. Oregon Administrative Rules (OARs)
 - a. 660-015, Oregon Statewide Planning Goals

III. PROPOSED AMENDED SECTIONS

Proposed Amendments to La Pine Zoning Ordinance, 2012-05:

AMENDMENT 1: Section 8. Definitions

AMENDMENT 2: Section 10. Permitted Uses

IV. FINDINGS OF FACT

Proposed Amendments: The attached amendments are proposed to update the City of La Pine Zoning Ordinance, 2012-05, following a City Council direction based on the public vote in favor of marijuana retail sales on the November 2016 ballot.

Public Notice and Comments: Public notices for both the Planning Commission and City Council hearings were posted at the La Pine City Hall, Deschutes County Library - La Pine Branch, Ace Hardware Store and on the City's website. Notice of both hearings was published in the local newspapers, *Wise Buys* and *Frontier Advertiser*. Additionally, written notice was mailed to all property owners within the Transitional Areas (TA) on February 1, 2017. No written comments were received at the time of the staff report drafting. One testimony was heard at the Planning Commission hearing on February 28, 2017, in favor of the amendments.

Planning Commission Hearing: A public hearing was held at the City's Planning Commission meeting on February 28, 2017, 5:30pm. The Planning Commission unanimously voted to recommend approval of the amendments to City Council, with no changes.

V. CONCLUSIONARY FINDINGS

1. Conformance with the La Pine Land Use Procedures Code, Ordinance 2011-03

SECTION 3.0.0. LEGISLATIVE PROCEDURES

Section 3.1.0. Hearing required

Section 3.2.0. Notice

Section 3.3.0. Initiation of legislative changes

Section 3.4.0. Hearings Body

Section 3.5.0. Final decision

Section 3.1.0. Hearing required.

No legislative change shall be adopted without review by the Planning Commission and a public hearing before the City Council. Public hearings before the Planning Commission shall be set at the discretion of the Planning Director or other designated City representative, unless otherwise required by state law.

FINDING: A public hearing was held before the Planning Commission on February 28, 2017 at 5:30 pm. Following the public hearing, Planning Commission voted unanimously to recommend approval of the amendments to the City Council. A public hearing before City Council is scheduled for April 12, 2017 at 6:00 pm.

Section 3.2.0. Notice

1. Notice of a legislative change shall be published in a newspaper of general circulation.

2. The notice shall state the time and place of the hearing and contain a statement describing in general detail the nature of the proposed change.

A. Posted Notice. Notice shall be posted at the discretion of the Planning Director or other duly designated City representative and where necessary to comply with ORS 203.045.

B. Individual Notice. Individual notice to property owners, as defined in Section 2.2.0 (A), shall be provided at the discretion of the Planning Director or other duly designated City representative, except as required by ORS 215.503

FINDING: Notice of both public hearings to consider the proposed zoning ordinance amendments was posted at La Pine City Hall, Deschutes County Library - La Pine Branch, Ace Hardware Store and the City's website. Notice was published in the local newspapers, *Wise Buys* and *Frontier Advertiser*. Additionally, written notice was mailed to all property owners within the Transitional Areas (TA) on February 1, 2017. The notices stated the time and place of hearings, as well as a general description of the nature of the proposed changes.

Section 3.3.0. Initiation of legislative changes

Legislative Changes may be initiated by application of individuals upon payment of required fees as well as by the City Council or the Planning Commission with the consent of the City Council.

FINDING: The proposed text amendments were initiated by City Council following a public vote in November 2016.

Section 3.4.0. Hearings body

A. The following shall serve as hearing or review body for legislative changes in this order:

- 1. The Planning Commission.**
- 2. City Council.**

B. Any legislative change initiated by the City Council should be reviewed by the Planning Commission prior to action being taken by the City Council.

FINDING: A public hearing was held before the Planning Commission on February 28, 2017 at 5:30pm. Following the public hearing, Planning Commission voted unanimously to recommend approval of the amendments to the City Council. A public hearing before City Council is scheduled for April 12, 2017 at 6:00 pm.

Section 3.5.0. Final decision

All legislative changes shall be adopted by ordinance.

FINDING: The proposed legislative changes are contained in ordinance 2017-01 for consideration of adoption by City Council.

2. Conformance with the La Pine Comprehensive Plan

Chapter 2, Citizen Involvement Program

This chapter identifies State rules related to citizen involvement, along with the community's purpose and intent with regard to citizen involvement. This chapter identifies issues and goals, policies and programs, it establishes roles and responsibilities, and establishes specific Citizen Advisory Committees (CACs). One of the CACs that are identified in this chapter is a Planning

Commission, which the City has established for planning and land use purposes. *This application and request has been processed and reviewed in accordance with the public notification procedures that have been established in the Procedures Ordinance, and a hearing was held before the Planning Commission on February 28, 2017. A second public hearing will be held before City Council on April 12, 2017. As such, the application has been reviewed by the appropriately established citizen advisory committee, in accordance with the adopted notification procedures, and will be consistent with this chapter. Further, this ordinance was drafted after a November 2016 public vote in favor of allowing marijuana dispensaries within the City of La Pine city limits.*

Chapter 3, Agricultural Lands

This chapter addresses agricultural lands within counties. Although La Pine is not required to plan for agricultural lands in the City, there continues to be agricultural uses in some areas within the city limits and the City's Comprehensive Plan sets out goals and policies related to agriculture. *The proposed amendments do not impact the City's ability to achieve the goals and policies within this chapter, as the proposed amendments address uses on industrial lands, not agricultural lands.*

Chapter 4, Forest Lands

Chapter 4 implements State Planning Goal 4, which defines "forest lands" and requires counties to inventory and conserve such lands. However, planning for forest lands is not required within city limits. *This chapter does not apply to the proposed amendments.*

Chapter 5, Natural Resources and Environment

This Comprehensive Plan chapter is intended to address Oregon Statewide Planning Goals 5, 6, and 7 which address natural resources, historic area, and open spaces, air water and land resources and protection from natural hazards. *The proposed amendments do not impact the City's ability to implement this chapter or Statewide Planning Goals 5, 6, and 7, as they are not related to natural resources, historic areas, open spaces, air, water and land resources protection from natural hazards.*

Chapter 6, Parks, Recreation and Open Space

This Chapter is intended to carry out Statewide Planning Goal 8, Parks, Recreation and Open Space. Recognizing that quality of life is impacted by the location and function of area parks, natural areas and open spaces, this chapter encourages cooperation between the City, the La Pine Park and Recreation District, County, State and Federal Agencies, in an effort to develop an appropriate park system for the City. *The proposed amendments do not impact the City's ability to implement this chapter or Statewide Planning Goal 8, as they are not related to parks, recreation and open space.*

Chapter 7, Public Facilities and Services

This chapter is intended to carry out Statewide Planning Goal 11. Given the current population of 1,687 (PSU 2015 Population Estimate), Goal 11 does apply to the City of La Pine. Nonetheless, this Chapter includes goals and policies directed at coordination, provider details, expansion needs, development restrictions, along with conservation practices. *The policies of this chapter do not apply directly to the proposed amendments, which are not associated with specific development.*

Chapter 8, Transportation

This chapter is intended to carry out Statewide Planning Goal 12. This chapter provides details of the transportation elements of La Pine, including roads, bicycle ways, pedestrian routes, and

public transit. Additionally, this chapter addresses long range planning needs, air and rail, pipelines, and funding. *The majority of the policies of this section have been incorporated into the Zoning Ordinance and implementing regulations, which are imposed upon site plan application of any commercial development. At this time, the policies of this chapter do not specifically apply to the proposed text amendments.*

Chapter 9, Economy

This Chapter is intended to carry out Statewide Planning Goal 9, Economic Development, which requires local jurisdictions to plan for and provide adequate opportunities for a variety of economic activities vital to the health, welfare and prosperity of its citizens. The overall intent is to ensure that there are adequate lands and infrastructure for new business and industry, as well as identifying any obstacles. This Chapter includes an analysis of the La Pine economy, noting that “La Pine’s focus on economic development is a key component of its vision to be a “complete” community. *The goals of this chapter relate to strategic planning and land inventories to satisfy urban development needs of the City. While the proposed amendments do not relate specifically to these goals, the addition of marijuana dispensaries as an allowed use in certain zones increases opportunities within the City for new businesses, supporting the overall intent of the chapter.*

Chapter 10, Housing

This chapter addresses housing and Statewide Planning Goal 10 to ensure the provision of appropriate types and amounts of land within the La Pine urban growth boundary - UGB (city limits in this case) to support a range of housing types necessary to meet current and future needs. *The proposed text amendments do not affect housing as they do not address uses within any residential zones.*

Chapter 11, Energy Conservation

This chapter carries out Oregon State Planning Goal 13. This chapter identifies issues with travel, existing development patterns, and energy supply opportunities. The policies of this chapter address residential density, along with development and design desires. *The proposed text amendments do not include any development, thus the policies of this chapter do not apply to the current proposal. Some of the policies of this section may be imposed during future site plan review, as some of the policies of this chapter are implemented through adopted Zoning Ordinance provisions.*

Chapter 12, Urbanization

This chapter addresses Statewide Planning Goal 14 to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The chapter highlights that the data shows that there is an excess of acreage available within the current city limits to accommodate the projected housing need. *The proposed text amendments do not impact the City’s ability to provide an orderly and efficient transition from rural to urban land or to manage the balance of types of land, as the proposed amendments relate to a use and do not include changes in zones or comprehensive plan designations.*

3. Conformance with the State Administrative Rules (OARs)

OAR 660-015, Statewide Planning Goals

Goal 1 - Citizen Involvement

Statewide planning Goal 1 requires that the City provide the opportunity for citizens to be involved in the planning process.

FINDING: Notice of the public hearing to consider the proposed zoning ordinance amendments was posted at La Pine City Hall, Deschutes County Library - La Pine Branch, Ace Hardware Store and on the City's website. Notice was also published in the local newspapers, *Wisebuys* and *Frontier Advertiser*, in the February 7, 2017 and February 14, 2017 weekly editions, as well as in the Bend Bulletin on February 2, 2017. Written notice, compliant with Measure 56, was mailed to all property owners within the Transitional Areas (TA) on February 1, 2017. Posted notice and newspaper notice of the hearing before City Council were also provided to the same locations. Citizens are provided the opportunity to comment on the proposed amendments at the public hearings before the Planning Commission and the City Council, or in writing in advance of the hearings. No written comments have been received at the time of this staff report drafting. One public testimony was received at the Planning Commission hearing, generally in favor of the proposed amendments.

Goal 2 - Land Use Planning

Goal 2 outlines the basic procedures of Oregon's statewide planning program. Land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed.

FINDING: As required by Goal 2, the City has adopted criteria and procedures (zoning ordinance, land use procedures code) to evaluate and make land use decisions. Goal 2 requires periodic review and amendments to ordinances as needed and in accordance with the Comprehensive Plan. The proposed amendments meet the requirements of Goal 2 by following the appropriate procedures for amendments and by considering the goals and policies outlined in the Comprehensive Plan.

Goal 3 - Agricultural Lands

Goal 3 requires counties to inventory agricultural lands and to "preserve and maintain" them through farm zoning outside of urban growth boundaries.

FINDING: Goal 3 is not required for compliance within the Urban Growth Boundary. Additionally, the proposed amendments do not adversely impact the ability of the City to plan for agricultural transition opportunities within the City.

Goal 4 - Forest Lands

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

FINDING: The proposed amendments are consistent with Forest Lands (Goal 4) and Goal policies, as they do not adversely impact the ability of the City to plan for the appropriate transition of Forest lands within La Pine.

Goal 5 - Open Spaces, Scenic and Historic Areas and Natural Resources

Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve

the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.

FINDING: The proposed amendments are consistent with Goal 5 and the Goal policies, as they do not adversely impact the ability of the City to protect the important natural resource and environmental elements within the City.

Goal 6 - Air, Water and Land Resources Quality

This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution. All waste and process discharges from future development, when combined with such discharges from existing development shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards.

FINDING: The proposed amendments are consistent with Goal 6 and the Goal policies, as they do not adversely impact the ability of the City to protect air, water, and land resources quality. Any future development related to the proposed amendments to allow marijuana dispensaries in the commercial and mixed use commercial zones within the city will be required to submit site plan applications, which are reviewed for compliance with water, sewer, stormwater, and transportation requirements.

Goal 7 - Natural Hazards

Goal 7 focuses on local government planning to protect people and property from natural hazards.

FINDING: The proposed amendments do not impact the City's ability to plan for natural hazards and mitigate risks.

Goal 8 - Recreational Needs

This goal calls for each community to satisfy the recreational needs of the citizens and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

FINDING: The proposed amendments do not impact the City's ability to plan for the recreational needs of the citizens and visitors.

Goal 9 - Economic Development

Goal 9 calls for diversification and improvement of the economy. It requires communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

FINDING: The proposed amendments are consistent with Economic Development (Goal 9) and Goal policies by increasing and diversifying economic development opportunities through expanding allowable uses within the zoning ordinance.

Goal 10 - Housing

This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

FINDING: The proposed amendments do not adversely impact the City's ability to provide for the housing needs of its citizens. The proposed amendments will not reduce residential inventories, as the amendments propose to add marijuana dispensaries to only the traditional commercial (C) and commercial mixed use (CMX) zones.

Goal 11 - Public Facilities and Services

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

FINDING: The proposed amendments do not adversely impact the City's ability to plan and develop a timely, orderly and efficient arrangement of public facilities.

Goal 12 - Transportation

The goal aims to provide "a safe, convenient and economic transportation system." It requires communities to address the needs of the "transportation disadvantaged."

FINDING: The proposed amendments do not adversely impact the City's ability to provide a safe convenient and economic transportation system. The proposed amendments are not site specific and therefore do not affect the functional classification of any street. The proposed amendments will not have measurable impacts on the amount of traffic on the existing transportation system; therefore the proposed text amendments do not cause a "significant effect" under ORS 660-012-0060. As such, compliance with Goal 12 is maintained.

Goal 13 - Energy Conservation

Goal 13 requires that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

FINDING: The proposed amendments do not adversely impact the City's ability to create an arrangement and density of land uses to encourage energy conservation. As such, compliance with Goal 13 is maintained.

Goal 14 - Urbanization

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

FINDING: The proposed amendments do not adversely impact the City's ability to accommodate urban populations and employment inside the urban growth boundary. The proposed amendments do not encourage sprawl or lower than targeted densities, or uncoordinated development. The management of the City's land use inventories is unaffected by the proposed amendments and therefore compliance with Goal 14 is maintained.

Goals 15-19

FINDING: These goals pertain only to areas in western Oregon and are not applicable to these amendments.

V. RECOMMENDATION and CONCLUSION

Conclusion

Based on the above findings, the proposed marijuana dispensary amendments to the zoning ordinance meet the La Pine Land Use Procedures Code criteria, La Pine Comprehensive Plan goals and policies, and are consistent with applicable State land use laws.

Recommendation

Based on findings and evidence available at the time this report was prepared, staff recommends that the City Council approve the marijuana dispensary proposed amendments.

END of STAFF REPORT

Exhibit B
Zoning Ordinance Amendments

[attached]

EXHIBIT B TO ORDINANCE NO. 2017-01
AN ORDINANCE AMENDING ORDINANCE NO. 2012-05,
AS AMENDED BY ORDINANCE NO. 2015-03

Double Underlined words are words added

~~Strikethrough~~ words are words deleted

Amendment 1: Amending Amendment 1 to Ordinance No. 2015-03, which amends Section 8 of Ordinance No. 2012-05. Definitions.

Amend definition: “~~Medical Marijuana Dispensary~~ Marijuana Dispensary. Any structure or use of property subject to registration through the Oregon Health Authority under ORS 475B.34500 to 475B.346455 as a medical marijuana dispensary as defined in ORS 475B.410(16) or licensed through the Oregon Liquor Control Commission under ORS 475B.110 to 475B.125 as a marijuana retailer as defined in ORS 475B.015(20), as such statutes may be amended from time to time, involving the sale, distribution, transmittal, gift, dispensing, and/or otherwise provides ~~medical~~ marijuana or ~~medical~~ marijuana products, whether medical or recreational, but to medical marijuana qualifying patients excluding the wholesaling, processing, laboratory certification, or production of ~~medical~~ marijuana or ~~medical~~ marijuana products, whether medical or recreational.”

Amendment 2: Amending Amendment 2 to Ordinance No. 2015-03, which amends Section 10 of Ordinance No. 2012-05. Permitted Uses.

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C

Traditional Commercial Zone

Principal uses

Retail sales and/or product service, including auto sales/service establishments, including auto related sales/services
Public, non-commercial parks & recreation
Eating & drinking establishments
Personal & health service establishments such as Health clubs and training
Business, professional &, government offices
Hotels and lodging
Transit Facilities
Commercial recreational uses
Multi-family dwellings
Clinic
Veterinary clinic
Public & private schools
Residential Care Facilities & nursing homes
Family day care home, group day care home
Churches
Cemeteries
Bed & breakfast establishments
Clubs and lodges
Government buildings & services
Forestry activities, including but not limited

to timber harvesting
Essential services
Day care centers
Funeral homes
~~Medical~~ Marijuana Dispensary (subject to requirements of Section 12. N. of ~~this Ordinance of~~ the Zoning Ordinance.)

Conditional Uses

Single-family dwellings (701.1)
Parking lots not associated with a principal use
Any use that emits fumes or noxious odors such as paint booths, refinishing, sand blasting, food processing, animal processing, tanneries, composting, and the like
Any use that requires a DEQ air quality permit
Any use that emits noise beyond 20 dB

Accessory uses

Garage, storage shed, swimming pool
Home occupation & home-based business
Shelter for domestic pets
Other clearly incidental & subordinate uses

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Amendment 3: Amending Section 10 of Ordinance No. 2012-05. Permitted Uses.

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**CMX
Mixed-use Commercial Zone**

Principal uses

All uses in the RSF, RMF, and RMP zones
Retail sales and/or product service, including show rooms
Personal & health service establishments
Eating and drink establishments
Business, professional &, government offices including business parks
Passenger transportation terminals
Parking lots and structures
Motels and hotels
Clubs, lodges & fraternal organizations
Commercial recreation and amusement
Funeral homes
Veterinary clinic
Government buildings & services
Forestry activities, including but not limited to timber harvesting
Essential services
Marijuana Dispensary (subject to requirements of Section 12. N. of the Zoning Ordinance.)

Conditional uses

Automobile, RV & truck sales and/or service uses
Accessory dwellings

Accessory uses to a Primary Use*

Clearly incidental & subordinate uses

*Accessory uses shall be constructed after or in conjunction to the construction of the property's primary use.

...

**TA
Transitional Areas**

Principal uses

All principal residential and commercial uses, excluding Marijuana Dispensary
Forestry activities, including but not limited to timber harvesting

Conditional uses

All conditional uses in the residential and commercial zones

Accessory uses to a Primary Use*

Clearly incidental & subordinate uses

These uses shall be implemented as transitional uses between different zones as shown on the zoning map. Development in the TA requires master planning to assess uses and transitional needs given the specific area of development.

*Accessory uses shall be constructed after or in conjunction to the construction of the property's primary use.

Amendment 4: Amending Amendment 3 to Ordinance No. 2015-03, which added Section 12(N) to Ordinance No. 2012-05. Special Uses.

12. SPECIAL USES

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N. ~~Medical~~-Marijuana Dispensaries

1. PROCEDURES

a. ~~Medical~~-Marijuana Dispensaries shall obtain a Zoning Permit pursuant to Section 7, and/or a Site Plan Review approval pursuant to Section 13, as required by the Zoning Ordinance.

b. All applications shall be made in the same name as the of the Person Responsible for a Medical Marijuana Dispensary as defined in OAR 333-008-1010(26) “registrant” as that term is defined in ORS 475B.610(1)(b) or the “licensee” as that term is defined in ORS 475B.015.

2. ADDITIONAL APPROVAL CRITERIA. In addition to any applicable approval criteria for Zoning Permit and/or Site Plan Review approval, the applicant shall comply with the following approval criteria:

a. An application for a ~~Medical~~-Marijuana Dispensary must have a current city business license at the time of application.

b. Applicant’s proposal must demonstrate compliance, or the ability to comply (with appropriate conditions of approval), with Ordinance No. 2015-02 or Ordinance No. 2016-10, as applicable, and any amendments to those ordinances.

c. A ~~Medical~~-Marijuana Dispensary shall be setback at least 50 feet from Highway 97.

d. A public entrance to a ~~Medical~~-Marijuana Dispensary shall not be visible from or oriented towards Highway 97 or Huntington Road, unless the ~~Medical~~-Marijuana Dispensary is located in a building that is more than 50 feet from the right-of-way of those roadways.

3. ADDITIONAL CRITERIA FOR MARIJUANA DISPENSARIES

a. Marijuana Dispensaries must not be located (a) at the same address as a marijuana grow site registered under ORS 475B.420, (b) within 1,000 feet of the real property comprising a public or private elementary, secondary, and/or career school attended primarily by minors, and/or (c) within 1,000 feet of another dispensary. “Within 1,000 feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point on the boundary line of the real property on which the Marijuana Dispensary is proposed to be sited.

b. Marijuana Dispensaries are considered “retail stores” for purposes of parking requirements.

~~3.4.~~ CONDITIONS OF APPROVAL. In addition to any conditions of approval imposed as part of Zoning Permit and/or Site Plan Review approval, ~~Medical~~-Marijuana Dispensaries are subject to the following conditions of approval:

- a. The applicant for a ~~Medical~~ Marijuana Dispensary shall obtain and present documentation of all applicable state approvals, registration, licensing, and permitting to the City within 6 months of Zoning Permit or Site Plan Review approval.
- b. ~~Medical~~ Marijuana Dispensaries shall keep all required state registration, licensing, and permitting current.
- c. ~~Medical~~ Marijuana Dispensaries shall keep all required City business license or other required permits current.
- d. At all times, ~~Medical~~ Marijuana Dispensaries shall remain compliant with Ordinance No. 2015-02 or Ordinance No. 2016-10, as applicable, and applicable state laws governing ~~Medical~~ Marijuana Dispensaries, all as they may be amended from time to time.
- e. The applicant shall provide the City notice and applicable documentation from the state of any change in the ~~Person Responsible~~ “licensee” or “registrant” for a ~~Medical~~ Marijuana Dispensary or the suspension, loss, or forfeiture of any state approval, registration, licensing, or permitting.
- f. The Zoning Permit and/or Site Plan Review approval for a ~~Medical~~ Marijuana Dispensary shall be void if any condition of approval is violated and not cured within 30 days of notice from City unless a cure is not reasonably possible within 30 days in which case the applicant must provide sufficient evidence, in City’s discretion, that the applicant has made reasonable progress towards a cure and the cure will be remedied a timely manner, but no later than 60 days.
- g. The Zoning Permit and/or Site Plan Review approval shall expire if the Marijuana Dispensary does not operate for any period of six consecutive months.