

EXHIBIT B TO ORDINANCE NO. 2017-04
AMENDMENTS TO ORDINANCE NOS. 2012-05, 2015-03, AND 2016-05

Double Underlined words are words added
~~Strikethrough~~ words are words deleted

Amendment 1: Amending Ordinance No. 2012-05. Section 7. Application for Land Use Permit, Certificate of Use, and Occupancy.

A. When zoning permit is required – A zoning permit shall be required for any of the following (except where otherwise indicated in this ordinance):

1. Commencing a principal use on a vacant lot, in a shell building not approved for a specific use, or on a site or in a building that has not been put towards any specific use in the past 5 years.

2. ~~Cehanging of a principal use or intensity of use.~~

23. Construction, erection, enlargement, reconstruction, or structural alteration of any ~~building single-family dwelling and/or structure~~ including placement of a mobile or manufactured home on a property.

34. Notwithstanding the foregoing, the Planning Director may require Site Plan Approval if the Planning Director determines that the proposal would require a greater number of parking spaces than presently provided on the site, require an upgrade in water or sewer infrastructure to serve the proposed use, or would require a new point of access.

B. When a certificate of use and occupancy is required – It shall be unlawful to use and/or occupy any building, other structure, and/or land ~~for which a zoning permit is required~~ until a certificate of use and occupancy for such building, other structure and/or land has been issued by the City. The purpose of the certificate is to confirm that the work or development described in ~~the zoning permit application~~ applicable land use approvals has been completed in compliance with this ordinance. The application for issuance of a certificate of use and occupancy ~~shall be made at the same time an application for a permit is filed with the City~~ may be issued at any time after the applicant has obtained all applicable land use approvals.

C. Application procedures and review criteria for zoning permits and certificates of use and occupancy

1. Forms of application – The Application for a zoning permit and a certificate of use and occupancy shall be submitted in such form as the City may prescribe and shall be accompanied by the ~~required fee as prescribed in Section 1004~~ applicable fee.

2. Site plan diagram – All applications shall be accompanied by a site plan diagram ~~as required by the City.~~ The Site plan shall be drawn to a suitable scale and shall clearly and accurately show property lines, dimensions of buildings and lots, both existing and proposed, abutting streets and sidewalks, proposed uses of buildings and lots, north arrow and scale, and any other information which the City may require to make a decision on the zoning permit. One copy shall be returned to the applicant indicating approval or disapproval; one copy shall be retained by the City.

3. Additional application requirements for uses specified – An application for a use specified shall be accompanied by additional information and drawings as appropriate to demonstrate how the proposed use and the design of that use will comply with the conditions, criteria, and standards specified for that use ~~in~~

~~Article VII in this Zoning Ordinance and/or applicable land use approvals.~~ If such use is a conditional use, further information and drawings may be required by the City to address compliance with any other conditions imposed by the City.

4. The following are the applicable criteria for a zoning permit:

- a. The proposed use is a principal use or conditional use in the zone in which the site is located. If the proposed use is a conditional use, a conditional use application has been submitted and approved by the City.
- b. The site provides the required number of bicycle and vehicle parking.
- c. The proposal complies with any specific criteria applicable to the proposed use.
- d. The proposal does not violate applicable set back or lot coverage requirements.
- e. The proposal complies with any applicable conditions of approval in prior land use decisions concerning the site.

5. Certificates of use and occupancy shall be evaluated for compliance with the zoning permit or other land use approvals authorizing the use, construction, or alteration of the site and/or building.

~~4. Amendments to a permit—Amendments to a zoning permit or other records accompanying it may be filed at anytime before completion of the work. The City shall approve all such amendments. Amendments shall be deemed part of the original application.~~

Amendment 2: Amending Ordinance Nos. 2016-05 and 2015-03, which amends Section 8 of Ordinance No. 2012-05. Definitions.

Agriculture, Indoor. Agriculture, as defined in this code, ~~which is entirely as well as the cultivation and production of marijuana plants and flowers, provided such use is contained within permanent, rigid structures designed to withstand snow and wind loads and not broadcast indoor lighting.~~ Such structures do not include canopies, hoop houses, sheds, shipping containers, trailers and similar structures. No retail sales are permitted in association with Indoor Agriculture and this use is only permitted in the zone(s) where it is expressly authorized as a principal or conditional use.

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Marijuana. All parts of the plant Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin.

Marijuana Business. Any establishment operated by any person or entity who is or must be appropriately licensed by the Oregon Health Authority or the Oregon Liquor Control Commission which sells, distributes, produces, cultivates, grows, wholesales, processes, researches, develops or tests any form of marijuana or marijuana derivatives including, but not limited to, Marijuana Production Facilities, Marijuana Processing Facilities, Marijuana Testing Laboratories, Medical Marijuana Dispensaries, Marijuana Wholesalers, and Marijuana Retailers.

Marijuana Processing Facility. Any structure in, or premises on, which a person or entity required to be licensed under ORS 475B.090 or ORS 475B.435 (which is not permitted to be located in a residential zone pursuant to state law) operates.

Marijuana Production Facility. Any structure in, or premises on, which a person or entity required to be licensed under ORS 475B.070 or ORS 475B.420 operates.

Marijuana Products. Any item, good, or product made from or containing marijuana or marijuana derivatives.

Marijuana Testing Laboratory. A facility that conducts testing of marijuana products as required by ORS 475B.555 and required to be licensed under ORS 475B.560.

Marijuana Wholesaler. Any structure in, or premises on, which a person or entity required to be licensed under ORS 475B.100 operates.

Planning Director. The person, who maybe a City employee or contractor, tasked by the City manager with primary responsibility for administering the Zoning Ordinance.

Time, Place, and Manner Restrictions. City Ordinance Nos. 2015-02, 2016-10, and 2017-02 and any successor or supplemental ordinance(s), all as may be amended from time to time.

Amendment 3: Amending Ordinance No. 2012-05, as amended. Section 10. Permitted Uses.

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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
Marijuana Dispensary (subject to requirements of Section 12. N. of the Zoning Ordinance)
Marijuana Testing Laboratory (subject to requirements of Section 12. N. 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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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)
Marijuana Testing Laboratory (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.

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TA
Transitional Areas

Principal uses

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

on the zoning map. Development in the TA requires master planning to assess uses and transitional needs given the specific area of development.

These uses shall be implemented as transitional uses between different zones as shown

Conditional uses

All conditional uses in the residential and

commercial zones

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

Accessory uses to a Primary Use*
Clearly incidental & subordinate uses

I Industrial

Principal uses

Industrial establishments for assembly, fabrication, manufacturing, processing, packing & bottling
Industrial research & development, computer sciences, software, and other related establishments
Call Centers
Wholesale and warehousing
Storage and distribution facilities
Sawmills
Agricultural processing establishments
Truck transportation and loading terminals
Personal storage units
Government buildings & services
Essential services
Marijuana Testing Laboratory (subject to requirements of Section 12. N. of the Zoning Ordinance)

Power and/or Energy generation facilities
Forestry activities, including but not limited to timber harvesting

Conditional uses

Mineral excavation
Parks and Recreation, trails
Indoor Agriculture
Marijuana Production Facility (subject to requirements of Section 12. N. of the Zoning Ordinance)
Marijuana Processing Facility (subject to requirements of Section 12. N. of the Zoning Ordinance)
Marijuana Wholesalers (subject to requirements of Section 12. N. of the Zoning Ordinance)

Amendment 4: Amending Amendment 3 to Ordinance No. 2015-03 as amended by Amendment 4 to Ordinance No. 2017-01, which added Section 12(N) to Ordinance No. 2012-05. Special Uses.

12. SPECIAL USES

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N. ~~Marijuana Dispensaries~~ Businesses

1. PROCEDURES

a. ~~Marijuana Dispensaries~~ Businesses, including a new Marijuana Business located at the same location as previously approved Marijuana Business shall obtain a ~~Zoning P~~ zoning P permit pursuant to Section 7, and/or a Site Plan Review approval pursuant to Section 13, as whichever is required by the Zoning Ordinance.

b. All applications shall be made in the same name as the “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 Marijuana ~~Dispensary~~Business 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~~ applicable provisions of the Time, Place, and Manner Restrictions.

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

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

e. A Marijuana Business cannot be approved as a home occupation or home-based business.

f. Marijuana Businesses can only be approved in the zones in which the specific type of Marijuana Business is expressly identified as an allowed use. Permissibility of one type of Marijuana Business in a particular zone cannot be the basis to allow a non-permitted type of Marijuana Business as a similar use in that zone.

g. Co-location of Marijuana Businesses on the same property is permitted except as prohibited by state law, the Time, Place, and Manner Restrictions, and this Zoning Ordinance.

h. All Marijuana Businesses will conduct operations inside secure, enclosed structures. Marijuana Products may not be displayed in a manner that is externally visible to the public. No drive-through, curb-side, mobile, or other external sale methods are permitted.

i. The applicant shall demonstrate how the proposed Marijuana Business complies with all state security system requirements applicable to the proposed Marijuana Business.

j. The applicant must demonstrate how measures to control odors satisfies applicable requirements set forth in the Time, Place, and Manner Restrictions.

k. The structure within which the Marijuana Business will operate must meet applicable fire and building code requirements.

l. Applications for a specific type of Marijuana Business shall satisfy the additional standards applicable to that type of Marijuana Business set out in subsection (4) through (H) below.

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.

4. ADDITIONAL CRITERIA FOR MARIJUANA PRODUCTION FACILITIES

a. Marijuana Production Facilities shall only be approved if the growing activities occur exclusively within permanent, fully enclosed, rigid, non-translucent structures that require a structural building permit. All lighting used for growing purposes must be contained completely inside the structure. No hoop-houses, sheds, shipping containers, trailers, or similar structures are permitted.

b. Under no circumstances, and notwithstanding anything in this Zoning Ordinance to the contrary, may retail sales of Marijuana Products occur at the same location as a Marijuana Production Facility.

c. Where multiple producers operate in the same building or on the same property, initial construction and any expansion to any building shall be subject to Site Plan Review. Each tenant, and each change in tenant, shall require approval of a zoning permit.

5. ADDITIONAL CRITERIA FOR MARIJUANA PROCESSING FACILITIES

a. Marijuana Processing Operations shall only occur in permanent, fully enclosed, rigid, non-translucent structures requiring a structural building permit.

b. Under no circumstances, and notwithstanding anything in this Zoning Ordinance to the contrary, may retail sales of Marijuana Products occur at the same location as a Marijuana Processing Facility.

c. Where multiple processors operate in the same building or on the same property, initial construction and any expansion to any building shall be subject to Site Plan Review. Each tenant, and each change in tenant, shall require approval of a zoning permit.

6. ADDITIONAL CRITERIA FOR MARIJUANA TESTING LABORATORIES

a. Under no circumstances, and notwithstanding anything in this Zoning Ordinance to the contrary, may retail sales of Marijuana Products be conducted by a Marijuana Testing Laboratory.

37. CONDITIONS OF APPROVAL. In addition to any conditions of approval imposed as part of Zoning Permit and/or Site Plan Review approval, and any other standards for the zone in which the Marijuana Business is located, Marijuana ~~Dispensaries~~ Businesses are subject to the following conditions of approval:

a. The applicant for a Marijuana ~~Dispensary~~ Business 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. Marijuana ~~Dispensaries~~ Businesses shall keep all required state registration, licensing, and permitting current.

c. Marijuana ~~Dispensaries~~ Businesses shall keep all required City business license or other required permits current.

d. At all times, Marijuana ~~Dispensaries~~ Businesses shall remain compliant with ~~Ordinance No. 2015-02 or Ordinance No. 2016-10, as applicable,~~ applicable provisions of the Time, Place, and Manner Regulation and applicable state laws governing the applicable Marijuana Dispensaries Business, 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 “licensee” or “registrant” for a Marijuana ~~Dispensary~~ Business 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 Marijuana ~~Dispensary~~ Business 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 ~~Dispensary~~ Business does not operate for any period of six consecutive months.

Amendment 5: Amending Ordinance No. 2012-05. Section 19. Off-Street Loading and Parking.

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C. Off-street parking – Every use shall provide off-street parking as specified in this section. Each off-street parking space shall meet the following table (except that single-family dwellings may use driveways for off-street parking spaces) and shall be in usable shape and condition.

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The minimum number of off-street parking spaces for each use is specified below:

Use	Required parking spaces
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<u>Marijuana Wholesaler/Production Facility/Processing Facility/Testing Laboratories</u>	<u>4 plus 1 additional space per 2,000 sq. ft. gross floor area</u>