



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
Planning Department

AGENDA
CITY OF THE DALLES PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS

313 COURT SREET

THE DALLES, OREGON 97058

CONDUCTED IN A HANDICAP ACCESSIBLE MEETING ROOM

WEDNESDAY, MAY 25, 2016

6:00 PM

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES – May 5, 2016
- V. PUBLIC COMMENT (Items not on the Agenda)
- VI. LEGISLATIVE HEARING continuation

Application Number: ZOA 92-16; City of The Dalles; This application is a request to amend the City's Land Use and Development Ordinance 98-1222 pertaining to the Processing, Production, Retailing, and Wholesaling of Recreational Marijuana. Review criteria for this zone are contained in City Ordinance 98-1222.

- VII. **Resolution** - #551-16 for ZOA#92-16
- VIII. STAFF COMMENTS
- IX. FUTURE MEETING – June 2, 2016
- X. COMMISSIONER COMMENTS/QUESTIONS
- XI. ADJOURNMENT

CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, May 5, 2016

City Hall Council Chambers

313 Court Street

The Dalles, OR 97058

Conducted in a handicap accessible room

6:00 PM

CALL TO ORDER:

Chair Lavier called the meeting to order at 6:00 PM.

COMMISSION MEMBERS PRESENT:

Bruce Lavier, Chris Zukin, Mark Poppoff, John Nelson, Sherry DuFault, Jeff Stiles, Dennis Whitehouse

COMMISSION MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

Director Richard Gassman, Senior Planner Dawn Hert, City Attorney Gene Parker, Planning Secretary Baltazar Gamez

APPROVAL OF AGENDA:

There was one correction that item IV should be for the approval of the February 4, 2016 minutes. It was moved by Whitehouse and seconded by Zukin to approve the agenda as amended. Stiles abstained. The motion carried.

APPROVAL OF MINUTES:

DuFault had one correction. It was moved by Nelson and seconded by DuFault to approve the February 4, 2016 minutes as amended. The motion carried unanimously.

PUBLIC COMMENTS:

There were no public comments.

QUASI-JUDICIAL HEARING:

Application Number: ADJ 16-023 McDowell Request; This application is a request for an adjustment of the rear yard setback standard from 10 feet to 5 feet for the construction of an addition to an existing house. The property is located at 2001 E 12th Street and is further described as 1N 13E 2CD tax lot 4100. Property is zoned RH – Residential High Density.

Chair Lavier read the rules for a public hearing and asked the Commissioners if they had any ex-parte contact, bias or conflict of interest that would hinder them from making an impartial decision on the application. None were noted.

Lavier opened the public hearing at 6:09 PM

Senior Planner Hert presented the highlights of the staff report. She told that staff was recommending approval of the application.

Testimony

Proponents:

Dale Sue McDowell, 2001 E. 12th, The Dalles, OR told the Commission that they had spoken to neighbors and no issues were raised and their hope was to have more room for their grandchildren with the addition.

Opponents:

None

Questions and Discussion:

Zukin asked the applicants if they were in agreement with the proposed conditions of approval. Hert read the conditions and the applicant stated they were in agreement with those conditions.

Deliberation:

Zukin stated that it was a pretty straight forward application. Poppoff said his only concern was fire safety.

There was a brief discussion about the proximity of the addition to neighboring buildings.

It was moved by Zukin and seconded by DuFault to approve **ADJ 16-023; McDowell** based on the findings of fact in the staff report with proposed conditions of approval. The motion carried unanimously.

RESOLUTION

It was moved by Zukin and seconded by Stiles to approve P.C. Resolution #550-16, ADJ #16-023 for Rodney and Dale Sue McDowell. The motion carried unanimously.

LEGISLATIVE HEARING

Application Number: ZOA 92-16; City of The Dalles; This application is a request to amend the City's Land Use and Development Ordinance 98-1222 pertaining to the Processing, Production, Retailing, and Wholesaling of Recreational Marijuana. Review criteria for this zone are contained in City Ordinance 98-1222.

Director Gassman presented the highlights of the staff report. He told the Commission that the hearing was for recreational marijuana and that staff had made an attempt to treat recreational similar to restrictions regarding medical marijuana. He highlighted the comments received via email and he explained how staff tried to align the different uses regarding recreational marijuana to be consistent with current zoning codes.

Nelson asked if the thousand foot buffer between two retail locations was a state regulation. Gassman confirmed that it was indeed a state regulation.

Lavier asked if having all functions in one location would impact the management of any proposed regulations. Gassman said there was not enough experience to be able to answer that question.

There was a brief discussion clarifying the proposed amendments and possible amendments that were omitted.

Zukin asked if Wonderworks was considered a school. City Attorney Parker stated that it did not meet the current definition of school under Oregon statutes.

Jesse Brewer, 2705 Skyline Road, The Dalles, OR told the Commission he believed it was simple to be able to have all operations in one location.

There was a general discussion regarding ventilation and the enforcement of complaints related to the odor emitted.

Norm Brock, 609 E. 2nd Street, The Dalles, OR told the Commission that the state no longer required a separate address for co-location. He also told the Commission that retail size is important because of the number of product options and that retail outlets do not put out a significant odor because everything is stored inside.

Whitehouse asked Mr. Brock what he thought about having all functions in one location. Mr. Brock said he did not think Retail should be in the same locations as the other operations other than lab testing.

There was a general discussion that included topics of what a lab is and how the marijuana is tested, hours of operation, and lighting.

Luke Tanner, 1105 E. 29th Street, Hood River addressed the Commission and stated he currently had a medical grow operation in The Dalles. He mentioned what recommendation he hopes the Commission makes and described his operation.

There was a discussion regarding medical grows and how it relates to agricultural operation within city limits.

Mr. Tanner explained how testing at a lab works.

Stiles stated that the Commission had to look beyond his operation and the next person wanting to open some marijuana operation.

Ed Sohler, 13780 SW Golden Mantle, Terrebonne OR, told the Commission about his business partnership with Mr. Tanner and their plans for expansion in The Dalles. He also told the Commission that if they were concerned with lighting and odor the Commission could keep operations to indoor facilities only.

Mr. Tanner answered Stiles question regarding contact high.

Zukin explained why he believes that agriculture should not be allowed in the city. He stated that he believes that the growing and sale of marijuana is a business which gives a poor reflection to the City.

After a discussion regarding lighting and hours of operation, Gassman asked if the Commission wanted to define Labs or just list them as incidental use. He then went through the proposed language and asked the Commissioners on a general consensus to amend the proposed language and bring back at the next Commission meeting. After amending and clarifying the zoning restrictions, staff was asked to provide a map with a one thousand foot buffer from churches and daycare facilities for the Commission to consider at the next meeting.

There was a consensus to continue the meeting at the next Planning Commission meeting.

STAFF COMMENTS

Gassman told the Commission of his expected retirement date. He gave the Commission a brief update regarding the search for a new police chief.

NEXT MEETING

May 19, 2016

COMMISSIONER COMMENTS/QUESTIONS

Whitehouse told the Commission he was resigning as Commissioner effective June 1. Stiles asked about work being done at 6th and Snipes. Gassman stated the owner would be submitting an application in the near future. Stiles also asked about low income housing. Gassman gave an update about a grant to do a housing needs analysis to help determine the status of housing needs in the City. Nelson asked about the structure being built at 4th and 3rd place. Gassman said he would find out what the structure would be. Lavier asked about the old Armory property. Gassman said he was under the impression that the property had been transferred to the county. Zukin brought up the topic of the parking near Riverside Gymnastics and the blind spot issue it poses.

ADJOURNMENT

Chair Lavier adjourned the meeting at 8:35 PM.

Respectfully submitted by Planning Secretary Baltazar Gamez.

Bruce Lavier, Chairman

**City of The Dalles
Staff Report**

LUDO Changes - Marijuana

Public Hearing

Prepared by: Richard Gassman, Planning Director

Procedure Type: Legislative

Hearing Date: May 25, 2016

Issue: To consider proposals to change the Land Use and Development Ordinance (LUDO) regarding recreational marijuana sales and related activities.

BACKGROUND INFORMATION

The City has adopted regulations for the retail sale of medical marijuana, but has not adopted any regulations for the retail sale of recreational marijuana, nor for the growing, production, distribution, and related activities of either medical or recreational marijuana. The City Council has asked staff to initiate the process to set regulations for these activities. The Planning Commission held a hearing on May 5, 2016 and continued it to this date for additional information and review.

PROCEDURE

This is a legislative type hearing. The Planning Commission's role is to hold a public hearing, review the proposals and make a recommendation to the City Council. The Council will also hold a public hearing, and any recommendations adopted by the Council would be formalized in an ordinance and become part of the LUDO.

NOTIFICATION

These proposed code changes require a 35 day notice to the Department of Land Conservation and Development. That notice was sent on March 24, 2016, more than 35

days before this hearing. A notice was also published in The Dalles Chronicle on April 24, 2016.

COMMENTS

As of the date of the preparation of this report, no additional comments have been received since the last hearing.

DISCUSSION

The proposed changes are attached, with modifications made from comments at the May 5 hearing. Most of the changes made since the last hearing are in the CLI zone. Remaining issues are in bold italics. A map has been prepared showing how adding churches and licensed day care facilities affect the allowable retail locations.

RECOMMENDATION

Continue the public hearing to receive testimony. At the end of the public hearing, the Commission may approve, modify, or delete the proposed changes as they deem appropriate. Usually only recommended amendments to the LUDO are forwarded to the Council for their review. In this case, since the Council has directed staff to initiate this process, even if the Planning Commission declined to make any recommendations, the general issue would still be sent on to the Council, with the decision of the Planning Commission noted in the staff report.

Potential LUDO amendments related to additional
marijuana regulations

Chapter 2 – Definitions. Include new definitions in Section 2.010

Marijuana - means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

Marijuana Items – means marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

Marijuana Processing – The processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates, or cannabinoid extracts, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.

Marijuana Production – The manufacture, planting, cultivation, growing, trimming, harvesting, or drying of marijuana, provided that the marijuana producer is licensed by the Oregon Liquor Control Commission, or registered with the Oregon Health Authority and a “person designated to produce marijuana by a registry identification cardholder”.

Marijuana Retailing - The sale of marijuana items to a consumer, provided the marijuana retailer is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.

Marijuana Wholesaling - The purchase of marijuana items for resale to a person other than a consumer, provided the marijuana wholesaler is licensed by the Oregon Liquor Control Commission.

Person Designated to Produce Marijuana by a Registry Identification Cardholder - A person designated to produce marijuana by a registry identification cardholder under Oregon Revised Statutes 475.304 who produces marijuana for a registry identification cardholder at an address other than the address where the registry identification cardholder resides.

RL – Residential Low Density District

Section 5.010.040 would be renamed Prohibited Uses and would read as follows:

Section 5.010.040 Prohibited Uses

Marijuana production, processing, wholesaling, and retailing are prohibited uses in all RL – Residential Low Density districts.

Section 5.010.040 through 5.010.070 would be renumbered 5.010.050 through 5.010.080, with 5.010.050 being renamed Neighborhood Compatibility and 5.010.080 being renamed Exception to Standards.

RH – Residential High Density District

Section 5.020.040 would be renamed Prohibited Uses and would read as follows:

Section 5.020.040 Prohibited Uses

Marijuana production, processing, wholesaling, and retailing are prohibited uses in all RH – Residential High Density districts.

Section 5.020.040 through 5.020.080 would be renumbered 5.020.050 through 5.010.090, with 5.020.050 being renamed Neighborhood Compatibility and 5.020.090 being renamed Exception to Standards.

RM – Residential Medium Density District

Section 5.030.040 would be renamed Prohibited Uses and would read as follows:

Section 5.030.040 Prohibited Uses

Marijuana production, processing, wholesaling, and retailing are prohibited uses in all RM – Residential Medium Density districts.

Section 5.030.040 through 5.030.070 would be renumbered 5.030.050 through 5.010.080, with 5.030.050 being renamed Development Standards and 5.020.080 being renamed Exception to Standards.

NC – Neighborhood Center Overlay District

Section 5.040.040 would be renamed Prohibited Uses and would read as follows:

Section 5.040.040 Prohibited Uses

Marijuana production, processing, wholesaling, and retailing are prohibited uses in all NC Neighborhood Center overlay zones.

Section 5.040.040 through 5.040.070 would be renumbered 5.040.050 through 5.040.080, with 5.040.050 being renamed Development Standards and 5.040.080 being renamed Exception to Standards.

CBC – Central Business Commercial District

Section 5.050.030(A)(23) would be revised for a new permitted use concerning retail marijuana facilities, which would read as follows:

23. Recreational Marijuana Facilities. An application for a retail marijuana facility shall also comply with the following criteria:
 - a) The retail facility must be located more than 500 feet from any RL, RH, or RM Residential District, measured in a straight line from the closest edge of the property line on which the retail facility is located to the closest edge of the property in the RL, RH, or RM Residential District.
 - b) The retail facility must be located more than 1,000 feet from all of the following facilities, measured in a straight line from the closest edge of the property on which the other facility is located:

1. A public elementary or secondary school for which attendance is compulsory under ORS 339.020, or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a).
 2. A public library.
 3. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.
 4. ***A licensed daycare facility or licensed preschool existing at the time of the start of the retail facility.***
 5. ***An established church, including church schools, existing at the time of the start of the retail facility.***
 6. Any other recreational marijuana retailer registered with the Oregon Liquor Control Commission.
- c) The retail facility must be located in a building and may not be located in an intermodal cargo container, motor vehicle, recreational vehicle or residential trailer. Outdoor storage of merchandise, raw materials, or other material associated with the retail facility is prohibited.
 - d) The retail facility shall not have a drive-up use.
 - e) The retail facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed in the retail facility's exterior refuse containers.
 - f) The retail facility shall be licensed by the Oregon Liquor Control Commission under the State of Oregon's retail facility licensing system under ORS 475B.110 to 475B.125, as now constituted, and meet the requirements of OAR Chapter 845 Division 25 Recreational Marijuana.
 - g) The hours of operation for the retail facility shall be no earlier than 10:00 AM and no later than 8:00 P.M.
 - h) The retail facility must use an air filtration and ventilation system which, to the greatest extent feasible, contains all marijuana-related odors within the facility rather than allowing such odors to escape outside. Sufficient measures and means of preventing odors, debris, fluids and other substances from exiting the facility must be in effect at all times.
 - i) Subject to the limitations and provisions described in Section 5(4) of Senate Bill 1511 adopted in 2016, a marijuana retailer registered under section 5 of Senate Bill 1511 may sell medical grade cannabinoid products, cannabinoid concentrates and cannabinoid extracts at retail in the same manner that rules adopted under ORS 475B.010 to 475B.395 allow a marijuana retailer to sell general use cannabinoid products, cannabinoid concentrates and cannabinoid extracts at retail, excepting those circumstances where differentiating between the sale of medical grade cannabinoid products, cannabinoid concentrates and cannabinoid extracts and the sale of general

use cannabinoid products, cannabinoid concentrates and cannabinoid extracts is necessary to protect the public health and safety.

Section 5.050.040(A)(23) would be renumbered (A)(24)

Section 5.050.050 would be renamed Prohibited Uses and would read as follows:

Section 5.050.050 Prohibited Uses

Marijuana production, processing, and wholesaling are prohibited uses in all CBC – Central Business Commercial district.

Section 5.050.050 through 5.050.080 would be renumbered 5.050.060 through 5.050.090, with 5.050.060 being renamed Development Standards and 5.050.090 being renamed Exception to Standards.

CG – General Commercial District

Section 5.060.020(A)(26) would be revised for a new permitted use concerning retail marijuana facilities, which would read as follows:

26. Recreational Marijuana Facilities. An application for a retail marijuana facility shall also comply with the following criteria:
 - a) The retail facility must be located more than 500 feet from any RL, RH, or RM Residential District, measured in a straight line from the closest edge of the property line on which the retail facility is located to the closest edge of the property in the RL, RH, or RM Residential District.
 - b) The retail facility must be located more than 1,000 feet from all of the following facilities, measured in a straight line from the closest edge of the property on which the other facility is located:
 1. A public elementary or secondary school for which attendance is compulsory under ORS 339.020, or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a).
 2. A public library.
 3. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.
 4. ***A licensed daycare facility or licensed preschool existing at the time of the start of the retail facility.***
 5. ***An established church, including church schools existing at the time of the start of the retail facility.***
 6. Any other recreational marijuana retailer registered with the Oregon Liquor Control Commission.

- c) The retail facility must be located in a building and may not be located in an intermodal cargo container, motor vehicle, recreational vehicle or residential trailer. Outdoor storage of merchandise, raw materials, or other material associated with the retail facility is prohibited.
- d) The retail facility shall not have a drive-up use.
- e) The retail facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed in the retail facility's exterior refuse containers.
- f) The retail facility shall be licensed by the Oregon Liquor Control Commission under the State of Oregon's retail facility licensing system under ORS 475B.110 to 475B.125, as now constituted, and meet the requirements of OAR Chapter 845 Division 25 Recreational Marijuana.
- g) The hours of operation for the retail facility shall be no earlier than 10:00 AM and no later than 8:00 P.M.
- h) The retail facility must use an air filtration and ventilation system which, to the greatest extent feasible, contains all marijuana-related odors within the facility rather than allowing such odors to escape outside. Sufficient measures and means of preventing odors, debris, fluids and other substances from exiting the facility must be in effect at all times.
- i) No one under the age of 21 shall be permitted to be present in the building space occupied by a marijuana retailer, except as allowed by state law.
- j) Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by a marijuana retailer. In addition, marijuana retailing shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club.
- k) Subject to the limitations and provisions described in Section 5(4) of Senate Bill 1511 adopted in 2016, a marijuana retailer registered under section 5 of Senate Bill 1511 may sell medical grade cannabinoid products, cannabinoid concentrates and cannabinoid extracts at retail in the same manner that rules adopted under ORS 475B.010 to 475B.395 allow a marijuana retailer to sell general use cannabinoid products, cannabinoid concentrates and cannabinoid extracts at retail, excepting those circumstances where differentiating between the sale of medical grade cannabinoid products, cannabinoid concentrates and cannabinoid extracts and the sale of general use cannabinoid products, cannabinoid concentrates and cannabinoid extracts is necessary to protect the public health and safety.

Section 5.060.020(A)(26) would be renumbered (A)(27)

Section 5.060.040 would be renamed Prohibited Uses and would read as follows:

Section 5.060.040 Prohibited Uses

Marijuana production, processing, and wholesaling are prohibited uses in all CG – General Commercial districts.

Section 5.060.050 through 5.060.060 would be renumbered 5.060.060 through 5.060.070, with 5.060.050 being renamed Development Standards and 5.060.070 being renamed Exception to Standards.

CLI – Commercial/Light Industrial District

Section 5.070.020(A)(22) would be revised for a new permitted use concerning retail marijuana facilities, which would read as follows:

26. Recreational Marijuana Facilities. An application for a retail marijuana facility shall also comply with the following criteria:
- a) The retail facility must be located more than 500 feet from any RL, RH, or RM Residential District, measured in a straight line from the closest edge of the property line on which the retail facility is located to the closest edge of the property in the RL, RH, or RM Residential District.
 - b) The retail facility must be located more than 1,000 feet from all of the following facilities, measured in a straight line from the closest edge of the property on which the other facility is located:
 1. A public elementary or secondary school for which attendance is compulsory under ORS 339.020, or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a).
 2. A public library.
 3. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.
 4. ***A licensed daycare facility or licensed preschool existing at the time of the start of the retail facility.***
 5. ***An established church, including church schools existing at the time of the start of the retail facility.***
 6. Any other recreational marijuana retailer registered with the Oregon Liquor Control Commission.
 - c) The retail facility must be located in a building and may not be located in an intermodal cargo container, motor vehicle, recreational vehicle or residential trailer. Outdoor storage of merchandise, raw materials, or other material associated with the retail facility is prohibited.
 - d) The retail facility shall not have a drive-up use.
 - e) The retail facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed in the retail facility's exterior refuse containers.

- f) The retail facility shall be licensed by the Oregon Liquor Control Commission under the State of Oregon’s retail facility licensing system under ORS 475B.110 to 475B.125, as now constituted, and meet the requirements of OAR Chapter 845 Division 25 Recreational Marijuana.
- g) The hours of operation for the retail facility shall be no earlier than 10:00 AM and no later than 8:00 P.M.
- h) The retail facility must use an air filtration and ventilation system which, to the greatest extent feasible, contains all marijuana-related odors within the facility rather than allowing such odors to escape outside. Sufficient measures and means of preventing odors, debris, fluids and other substances from exiting the facility must be in effect at all times.
- i) No one under the age of 21 shall be permitted to be present in the building space occupied by a marijuana retailer, except as allowed by state law.
- j) Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by a marijuana retailer. In addition, marijuana retailing shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club.
- k) Subject to the limitations and provisions described in Section 5(4) of Senate Bill 1511 adopted in 2016, a marijuana retailer registered under section 5 of Senate Bill 1511 may sell medical grade cannabinoid products, cannabinoid concentrates and cannabinoid extracts at retail in the same manner that rules adopted under ORS 475B.010 to 475B.395 allow a marijuana retailer to sell general use cannabinoid products, cannabinoid concentrates and cannabinoid extracts at retail, excepting those circumstances where differentiating between the sale of medical grade cannabinoid products, cannabinoid concentrates and cannabinoid extracts and the sale of general use cannabinoid products, cannabinoid concentrates and cannabinoid extracts is necessary to protect the public health and safety.

Section 5.070.020(A)(22) and subsequent sections would be renumbered (A)(23) and so forth.

Section 5.070.030 Conditional Uses

Section 5.070.030 would be revised by adding a new section B and would read as follows:

B. Marijuana Production, processing, storage, and wholesaling, subject to the following additional provisions:

- 1. Activity shall occur only in a completely enclosed building. Greenhouses are not allowed.
- 2. A building used for marijuana production, processing, storage, or wholesaling shall be equipped with a carbon filtration system for odor control.
 - a. The system shall consist of one or more fans and filters.
 - b. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the square footage of the building floor space (i.e., one CFM per square feet of building floor space).
 - c. The filter(s) shall be rated for the required CFM.

- d. The filtration system shall be maintained in working order and shall be in use.
- e. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the carbon filtration system otherwise required.

Sections 5.070.030 B through F would be renumbered C through G.

CR – Recreational Commercial District

Section 5.080.040 Development Standards would be renamed Prohibited Uses and would read as follows:

Section 5.080.040 Prohibited Uses

Marijuana production, processing, wholesaling and retailing are prohibited uses in all CR – Recreational Commercial districts.

Section 5.080.050 through 5.060.060 would be renumbered 5.080.060 through 5.060.070, with 5.080.050 being renamed Development Standards and 5.080.070 being renamed Exception to Standards.

I – Industrial District

Section 5.090.020(A)(22) would be revised for a new permitted use concerning marijuana facilities, which would read as follows:

22. Marijuana production, processing, storage, and wholesaling. An application for a marijuana production, processing, storage, or wholesaling facility shall also comply with the following criteria:

- a) The facility must be located in a building and may not be located in an intermodal cargo container, motor vehicle, recreational vehicle or residential trailer. Outdoor storage of merchandise, raw materials, or other material associated with the retail facility is prohibited.
- b) The facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed in the facility’s exterior refuse containers.
- c) The production or processing facility shall be licensed by the Oregon Liquor Control Commission and comply with the requirements of any applicable administrative rule adopted by the Oregon Liquor Control Commission.
- d) A building used for marijuana production, processing, storage, or wholesaling shall be equipped with a carbon filtration system for odor control.
 - 1. The system shall consist of one or more fans and filters.

2. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the square footage of the building floor space (i.e., one CFM per square feet of building floor space).
3. The filter(s) shall be rated for the required CFM.
4. The filtration system shall be maintained in working order and shall be in use.
5. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the carbon filtration system otherwise required.

Section 5.090.020(A)(22) would be renumbered (A)(23).

CFO – Community Facilities Overlay District

Section 5.100.040 Development Standards would be renamed Prohibited Uses and would read as follows:

Section 5.100.040 Prohibited Uses

Marijuana production, processing, wholesaling, and retailing are prohibited uses in all CFO - Community Facilities Overlay zones.

Section 5.100.040 through 5.100.050 would be renumbered 5.100.050 through 5.100.060, with 5.100.050 being renamed Development Standards and 5.100.060 being renamed Master Plans.

P/OS Parks and Open Space District

Section 5.110.050 Development Standards would be renamed Prohibited Uses and would read as follows:

Section 5.110.050 Prohibited Uses

Marijuana production, processing, wholesaling, medical marijuana dispensaries, and retail marijuana facilities are prohibited uses in all P/OS - Parks and Open Space zones.

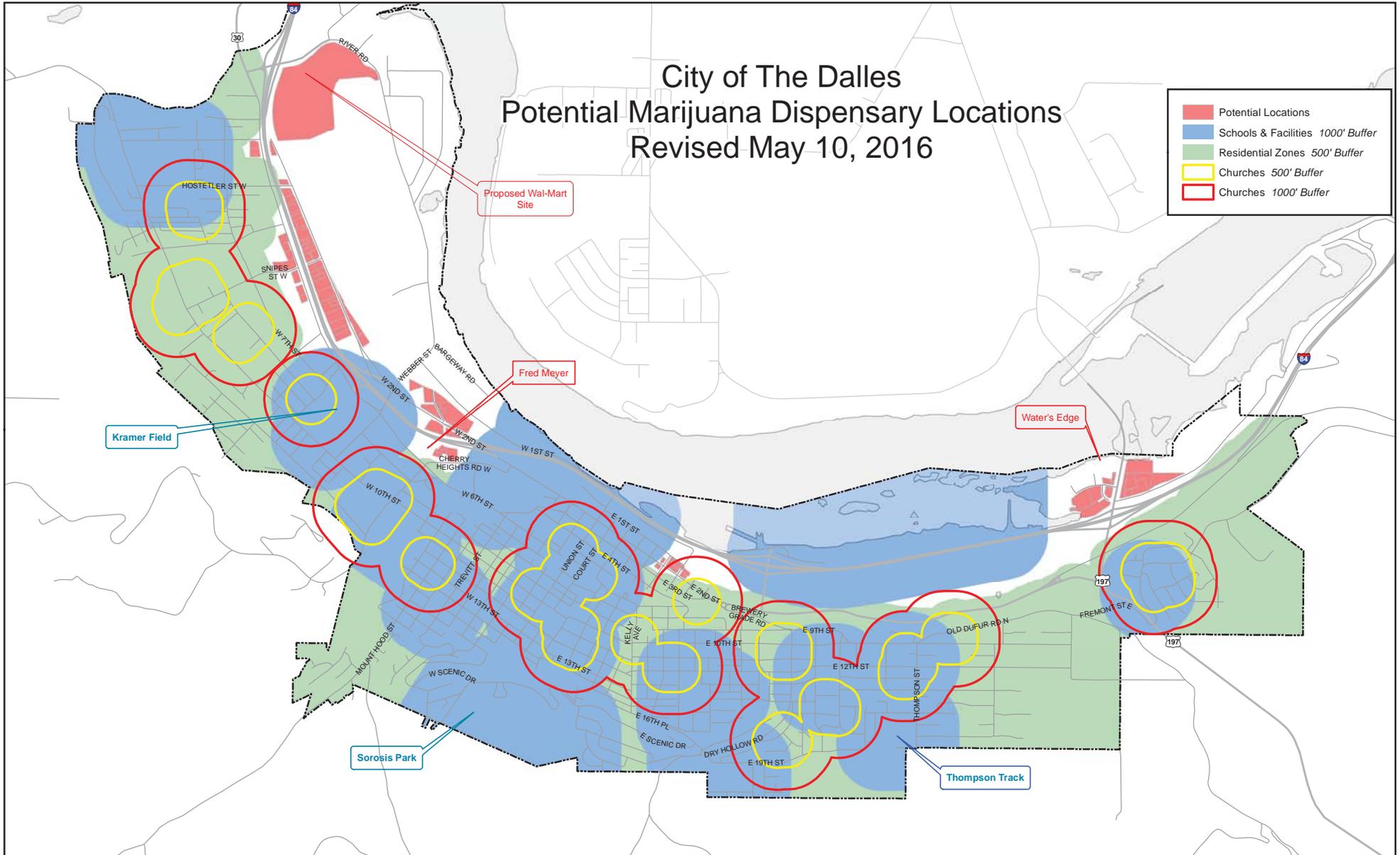
Section 5.110.050 would be renumbered 5.110.060, with 5.110.060 being renamed Development Standards.

Section 6.020.020(D) - Prohibited Uses. Would be revised to read as follows:

- D. Prohibited Uses. Vehicle sales, vehicle repair, and any use where the vehicle is the focus of the work or is a significant part of the home business is prohibited unless the owner obtains a conditional use permit. Marijuana production, processing, wholesaling, and medical marijuana dispensaries or retail marijuana facilities are prohibited as a home occupation in any zoning district.

City of The Dalles Potential Marijuana Dispensary Locations Revised May 10, 2016

- Potential Locations
- Schools & Facilities 1000' Buffer
- Residential Zones 500' Buffer
- Churches 500' Buffer
- Churches 1000' Buffer





RESOLUTION NO. P.C. 551-16

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING CITY COUNCIL APPROVAL OF VARIOUS AMENDMENTS TO THE LAND USE AND DEVELOPMENT CODE, ORDINANCE 98-1222, AS AMENDED.

WHEREAS, an application was submitted for Zoning Ordinance Amendment #92-16 proposing various amendments to the City's Land Use and Development Ordinance; and

WHEREAS, the City Planning Commission conducted a public hearing on May 5, 2016 to take public testimony on the proposed Zoning Ordinance Amendment #92-16; and

WHEREAS, the Planning Commission has considered the public testimony and reviewed the proposed legislative amendments set forth in Zoning Ordinance Amendment #92-16, and based upon the proposed findings of fact and conclusions of law in the staff report and testimony presented during the hearing, the Planning Commission voted to recommend the legislative amendments be forwarded to the City Council for their review and adoption;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission recommends that the proposed Zoning Ordinance Amendments #91-16 be approved and forwarded to the City Council for its review and adoption.

Section 2. This Resolution shall be effective upon its passage and approval. The Secretary of the Commission shall (a) certify to the adoption of the Resolution; (b) transmit a copy of the Resolution to the Applicant.

APPROVED AND ADOPTED THIS 25th DAY OF MAY, 2016

Bruce Lavier, Chairman
Planning Commission

I, Richard Gassman, Planning Director for the City of The Dalles, hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Planning Commission, held on the 25th day of May, 2016.

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST: _____
Richard Gassman, Planning Director
City of The Dalles

DRAFT