



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: February 26, 2015

Jurisdiction: City of Woodburn

Local file no.: 2014-01

DLCD file no.: 002-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 02/23/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 57 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



**NOTICE OF ADOPTED CHANGE
TO A COMPREHENSIVE PLAN OR
LAND USE REGULATION**

FOR DLCD USE
File No.: 002-14 {22522}
Received: 2/23/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Woodburn

Local file no.: **LA 2014-01 Medical Marijuana**

Date of adoption: 02/11/2015 Date sent: 2/23/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 10/27/2015

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
If yes, describe how the adoption differs from the proposal:

Yes the adopted ordinance limits marijuana dispensaries to the Light Industrial & Industrial Park zones and requires 1000 foot separation from sensitive uses (parks, schools, residential & day cares)

Local contact (name and title): Jim Hendryx, Economic and Development Services, Director

Phone: 503 980-2445

E-mail: jim.hendryx@ci.woodburn.or.us

Street address: 270 Montgomery Street

City: Woodburn

Zip: 97071-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

N/A

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from N/A to acres. A goal exception was required for this change.
- Change from to acres. A goal exception was required for this change.
- Change from to acres. A goal exception was required for this change.
- Change from to acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

- Section 2, Table 2.04 A (Uses Allowed in Industrial Zone) identifying marijuana dispensaries as a Special Permitted Use
- Section 2. Section 2.07.10 (Home Occupations) prohibiting marijuana dispensaries as Home Occupation
- Section 3. Section 2.07.17 (Temporary Outdoor Marketing and Special Events) prohibiting marijuana dispensaries from outdoor marketing and special events
- Section 2.07.19, establishing sitting & locational standards for marijuana ddispensaries

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
---------------------------	--------------	----------------

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

COUNCIL BILL NO. 2974

ORDINANCE NO. 2526

AN ORDINANCE AMENDING THE WOODBURN DEVELOPMENT ORDINANCE TO ESTABLISH ZONING REGULATIONS FOR MARIJUANA DISPENSARIES AND DECLARING AN EMERGENCY

WHEREAS, in 1998, Ballot Measure 67 established the Oregon Medical Marijuana Act, which is codified in ORS 475.300 – 475.346; and

WHEREAS, in the 2013 Special Session, the Oregon Legislature approved House Bill 3460 which creates a medical marijuana registration system and allows for medical marijuana facilities to be located in areas zoned for commercial, industrial, or mixed use; and

WHEREAS, in 2014 the Oregon Legislature passed Senate Bill 1531, clarifying the authority of cities and counties regarding medical marijuana facilities and giving them the legal authority to enact a moratorium for a period of one (1) year on the operation of registered medical marijuana facilities; and

WHEREAS, by Ordinances 2514 and 2518, the City Council imposed a moratorium pursuant to state law and formally initiated an amendment to the Woodburn Development Ordinance to establish appropriate zoning regulations for medical marijuana facilities; and

WHEREAS, The Planning Commission held a public hearing on December 11, 2014, where unanimously they recommended approval of LA 2014 – 01 (Medical Marijuana Dispensaries); and

WHEREAS, the City Council conducted a public hearing on January 26, 2015, during which they accepted public testimony, closed the public hearing and instructed staff to prepare an Ordinance effecting the proposed amendments that establishes the zoning regulations for marijuana dispensaries;
NOW, THEREFORE,

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Section 2, Table 2.04 A (*Uses Allowed in Industrial Zone*) of the Woodburn Development Ordinance ("the WDO") is amended as provided in Exhibit "A", which is attached hereto, identifying marijuana dispensaries as a Special Permitted Use in the Light Industrial (IL) and Industrial Park(IP) zones.

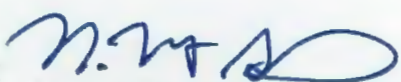
Section 2. Section 2.07.10 (*Home Occupations*) of the WDO is amended as provided in Exhibit "A", prohibiting marijuana dispensaries as a Home Occupation and incorporated herein by this reference.

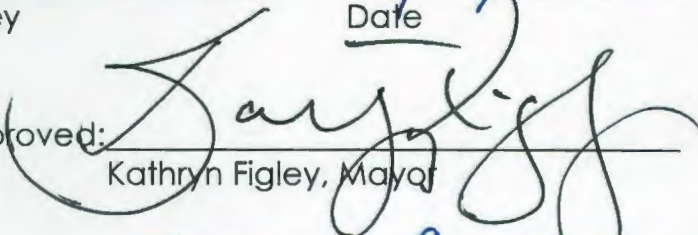
Section 3. Section 2.07.17 (*Temporary Outdoor Marketing and Special Events*) of the WDO is amended as provided in Exhibit "A", prohibiting marijuana and marijuana dispensaries from outdoor marketing and special events hereto and incorporated herein by this reference.

Section 4. The WDO is amended to include Section 2.07.19, establishing locational and sitting standards for marijuana dispensaries as provided for in Exhibit "A" and incorporated herein by this reference.

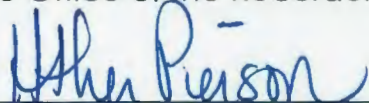
Section 5. The WDO amendments referenced in Section 1 to 4 above are based upon and justified by the Staff Report (Application LA 2014-01) dated December 22, 2014, which was considered by the City Council, was made a part of the public hearing records and is incorporated herein.

Section 6. This Ordinance being necessary for the immediate preservation of the public peace, health, and safety since the City must adopt zoning regulations that take effect prior to the expiration of the moratorium, an emergency is declared to exist and this ordinance shall take effect immediately upon passage and approval by the Mayor.

Approved as to form:  2/5/2015
City Attorney Date

Approved: 
Kathryn Figley, Mayor

Passed by the Council February 9, 2015
Submitted to the Mayor February 10, 2015
Approved by the Mayor February 11, 2015
Filed in the Office of the Recorder February 17, 2015

ATTEST: 
Heather Pierson, City Recorder
City of Woodburn, Oregon



Agenda Item

February 9, 2015

TO: Honorable Mayor and City Council through City Administrator
FROM: Jim Hendryx, Director of Economic & Development Services
SUBJECT: **Ordinance Enacting Legislative Amendment 2014-01 Regarding Marijuana Dispensaries**

RECOMMENDATION:

Adopt Ordinance 2526 approving Legislative Amendment 2014-01.

BACKGROUND:

The Oregon Medical Marijuana Act was approved by initiative petition (Ballot Measure 67) in 1998. In 2013, the Oregon Legislature passed HB 3460 creating a medical marijuana registration system and allowing medical marijuana facilities to be located in areas zoned for commercial, industrial, or mixed use. In 2014, SB 1531 was passed by the Oregon Legislature clarifying the authority of cities and counties regarding medical marijuana facilities and giving them the legal authority to enact a moratorium on the operation of registered medical marijuana facilities.

The City Council imposed a moratorium pursuant to state law and formally initiated an amendment to the Woodburn Development Ordinance to establish appropriate zoning regulations for medical marijuana facilities. The Planning Commission held a public hearing on December 11, 2015. The City Council conducted a public hearing on January 26, 2015, heard public testimony and then instructed staff to prepare an Ordinance, with an emergency clause, for presentation at the February 9, 2015 meeting.

DISCUSSION:

As staff stated at the January 26, 2015 public hearing, the Planning Commission, pursuant to the City Council's direction, also conducted a public hearing, considered the relevant issues and submitted recommended zoning regulations applicable to marijuana dispensaries. Those regulations are memorialized in the attached ordinance amending the Woodburn Development Ordinance (the

Agenda Item Review: City Administrator City Attorney Finance

WDO). More specifically, the WDO is amended to provide for marijuana dispensaries as a Special Permitted Use in the Light Industrial (IL) and Industrial Park (IP) zones. Marijuana dispensaries are prohibited as a Home Occupation and from Outdoor Marketing and Special Events. Finally, the WDO is amended to provide locational and siting standards for marijuana dispensaries.

An emergency clause was included in the ordinance so that it takes effect immediately upon passage and approval by the Mayor. This was requested by the City Council and is necessary because the moratorium expires on February 25, 2015.

FINANCIAL IMPACT:

This decision is anticipated to have minimal financial impacts to the City.

COUNCIL BILL NO. 2974

ORDINANCE NO. 2526

AN ORDINANCE AMENDING THE WOODBURN DEVELOPMENT ORDINANCE TO ESTABLISH ZONING REGULATIONS FOR MARIJUANA DISPENSARIES AND DECLARING AN EMERGENCY

WHEREAS, in 1998, Ballot Measure 67 established the Oregon Medical Marijuana Act, which is codified in ORS 475.300 – 475.346; and

WHEREAS, in the 2013 Special Session, the Oregon Legislature approved House Bill 3460 which creates a medical marijuana registration system and allows for medical marijuana facilities to be located in areas zoned for commercial, industrial, or mixed use; and

WHEREAS; in 2014 the Oregon Legislature passed Senate Bill 1531, clarifying the authority of cities and counties regarding medical marijuana facilities and giving them the legal authority to enact a moratorium for a period of one (1) year on the operation of registered medical marijuana facilities; and

WHEREAS, by Ordinances 2514 and 2518, the City Council imposed a moratorium pursuant to state law and formally initiated an amendment to the Woodburn Development Ordinance to establish appropriate zoning regulations for medical marijuana facilities; and

WHEREAS, The Planning Commission held a public hearing on December 11, 2015, where unanimously they recommended approval of LA 2014 – 01 (Medical Marijuana Dispensaries); and

WHEREAS, the City Council conducted a public hearing on January 26, 2015, during which they accepted public testimony, closed the public hearing and instructed staff to prepare an Ordinance effecting the proposed amendments that establishes the zoning regulations for marijuana dispensaries;

NOW, THEREFORE,

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Section 2, Table 2.04 A (*Uses Allowed in Industrial Zone*) of the Woodburn Development Ordinance (“the WDO”) is amended as provided in Exhibit “A”, which is attached hereto, identifying marijuana dispensaries as a Special Permitted Use in the Light Industrial (IL) and Industrial Park(IP) zones.

Section 2. Section 2.07.10 (*Home Occupations*) of the WDO is amended as provided in Exhibit "A", prohibiting marijuana dispensaries as a Home Occupation and incorporated herein by this reference.

Section 3. Section 2.07.17 (*Temporary Outdoor Marketing and Special Events*) of the WDO is amended as provided in Exhibit "A", prohibiting marijuana and marijuana dispensaries from outdoor marketing and special events hereto and incorporated herein by this reference.

Section 4. The WDO is amended to include Section 2.07.19, establishing locational and sitting standards for marijuana dispensaries as provided for in Exhibit "A" and incorporated herein by this reference.

Section 5. The WDO amendments referenced in Section 1 to 4 above are based upon and justified by the Staff Report (Application LA 2014-01) dated December 22, 2014, which was considered by the City Council, was made a part of the public hearing records and is incorporated herein.

Section 6. This Ordinance being necessary for the immediate preservation of the public peace, health, and safety since the City must adopt zoning regulations that take effect prior to the expiration of the moratorium, an emergency is declared to exist and this ordinance shall take effect immediately upon passage and approval by the Mayor.

Approved as to form: _____
City Attorney Date

Approved: _____
Kathryn Figley, Mayor

Passed by the Council _____

Submitted to the Mayor _____

Approved by the Mayor _____

Filed in the Office of the Recorder _____

ATTEST: _____
Heather Pierson, City Recorder
City of Woodburn, Oregon

Exhibit A

New text italicized, underlined and highlighted

Uses Allowed in Industrial Zones Table 2.04A						
Use			Zone			
Accessory Uses (A)	Conditional Uses (CU)	Permitted Uses (P)	IL	IP	P/SP	SWIR
Special Permitted Uses (S)	Specific Conditional Uses (SCU)					
A	Civic Uses					
1	Golf driving range		P	P	CU	
2	Parks, play grounds and associated activities, golf courses without a driving range				P	
3	Public administration, aquatic facilities, fire protection, government and public utility buildings and storage yards		P	P	CU	P
4	Rights-of-way, easements and improvements for streets, water, sanitary sewer, gas, oil, electric and communication lines, stormwater facilities and pump stations.		P	P	P	P
5	Trade schools		P	P	CU	P
B	Commercial Retail and Services					
1	Ambulance service		P	P		
2	Automotive maintenance and gasoline stations, including repair services		P	P		
3	Business services			P		P
4	Contractors: a. Flooring and roofing b. Equipment and machinery c. Glass and glazing d. Masonry, drywall, insulation and tile contractors e. Other types of contractors		P	P		
5	Delivery services		S	S	S	S
6	Fitness and recreational sports		P	P		P
7	Hospitals and ancillary uses			P	CU	P
8	Restaurants and drinking places		P	P		P
9	<i>Marijuana dispensaries</i>		S	S		
C	Industrial					
1	Auction houses, except livestock and poultry sales		CU			
2	Automotive wrecking yards		CU			

**Uses Allowed in Industrial Zones
Table 2.04A**

Use		Zone						
Accessory Uses (A)	Conditional Uses (CU) (P)	Permitted Uses (P)	Special Permitted Uses (S)	Specific Conditional Uses (SCU)	IL	IP	P/SP	SWIR
3	Charter buses, special needs transportation, transit system, school transportation, limousine service and taxi service				P	P		
4	Chemical manufacturing				CU	CU		
5	Recycling center				CU	CU		
6	Asphalt or Portland cement concrete batch plant				CU	CU		
7	Commercial and industrial equipment repair, transit and ground transportation				P	CU		
8	Electronic and other electrical equipment and components, including manufacturing machinery, apparatus, and supplies for the generation, storage, transmission, transformation, and utilization of electrical energy; electricity distribution equipment; electrical industrial apparatus; household appliances; electrical lighting and wiring equipment; radio and television receiving equipment; communications equipment; electronic components and accessories; and other electrical equipment and supplies				P	P		P
9	Fabricated metal products, including fabricating ferrous and non-ferrous metal products such as metal cans, tin ware, hand tools, cutlery, general hardware, non-electric heating apparatus, fabricated structural metal products, metal forgings, metal stampings, and metal and wire products				CU			P
10	Industrial and commercial machinery and computer equipment, including engines and turbines; farm and garden machinery; construction, mining, and oil field machinery; elevators and conveying equipment; hoists, cranes, monorails, trucks and tractors; metalworking machinery; special industry machinery; general industrial machinery; computer and peripheral equipment and office machinery; and refrigeration and service industry machinery				P	P		P

**Uses Allowed in Industrial Zones
Table 2.04A**

Use		Zone						
Accessory Uses (A)	Conditional Uses (CU)	Permitted Uses (P)	Special Permitted Uses (S)	Specific Conditional Uses (SCU)	IL	IP	P/SP	SWIR
11	Heavy equipment and motor vehicle sales: a. Manufactured home dealers b. Motor vehicle and parts dealers, including new cars, used cars, recreational vehicles, motorcycles, boats, parts and tire dealers c. Truck dealers, including new trucks, used trucks, parts and tire dealers d. Tractor and farm machinery and equipment dealers e. Farm, garden and landscaping supplies				S	S		
12	Manufacturing: a. Beverage, food and tobacco b. Furniture and related products c. Leather and allied products d. Paper, limited to assembly e. Miscellaneous manufacturing f. Plastics and rubber g. Textile products				P	P		
13	Motor freight transportation and warehousing, including local or long-distance trucking or transfer services, storage of farm products, furniture and other household goods, and commercial goods				P	CU		P
14	Non-depository credit institutions engaged in extending credit in the form of loans, but not engaged in deposit banking					P		P
15	Paper manufacturing				CU			
16	Parking lots and garages				P	P		
17	Petroleum and coal products manufacturing with all storage underground				CU			
18	Printing, publishing, and allied industries				P	P		P
19	Professional services					P		P
20	Stone, clay, glass, and concrete products including manufacturing flat glass, other glass products, cement, structural clay products, pottery, concrete and gypsum products, cut stone, abrasive and asbestos products, and other products from materials taken principally from the earth in the form of stone, clay, and sand				P			P

Uses Allowed in Industrial Zones Table 2.04A						
Use		Zone				
Accessory Uses (A)	Conditional Uses (CU)	Permitted Uses (P)	Special Permitted Uses (S)	Specific Conditional Uses (SCU)		
		IL	IP	P/SP	SWIR	
21	Telecommunication facilities subject to Section 2.08.03		SCU	SCU		SCU
22	Wholesale trade in durable and non-durable goods		P	P		P
23	Wood product manufacturing		P	CU		
D	Miscellaneous					
1	Facilities during construction		S	S	S	S
2	Fence or free-standing wall		A	A	A	A
3	Temporary outdoor marketing and special event: a. Arts and crafts b. Food and beverages, including mobile food services c. Seasonal sales of fireworks, Christmas trees, produce or plant materials d. Amusement rides and games e. Entertainment f. Any other merchandise or service which is neither accessory to a primary, permanent use of the property, nor marketed by employees of that permanent use		S	S	S	S
E	Residential					
1	One dwelling unit in conjunction with an industrial use		P	P	P	P

2.07.10 Home Occupations

Home occupations shall be conducted entirely within a dwelling or accessory structure and shall comply with the following use and development standards:

- A. Operations
 - 1. The owner/operator of the home occupation shall reside in the dwelling in which the home occupation is conducted.
 - 2. No outside employees shall work on-site or use the site as a base of operations that requires a daily visit to the site of the home occupation for instructions, assignments or the distribution of tools or other goods.
- B. The home occupation shall be continuously conducted in such a manner as not to create any off-premise nuisance, including, but not limited to, noise, odors, vibration, fumes, smoke, fire hazards, or electronic, electrical, or electromagnetic interference.
- C. The home occupation shall be conducted entirely within a building.

- D. The total floor area devoted to the home occupation shall not exceed 500 square feet.
- E. Structural alterations shall be permitted, provided the residential character of the building is not altered.
- F. Parking
 - 1. The number of required off-street parking spaces shall not be reduced; however, no additional parking shall be required.
 - 2. The outdoor parking or storage of vehicles licensed as commercial vehicles or displaying commercial advertising shall be prohibited on-site.
- G. Visits by suppliers or customers shall be limited to the hours of 8:00 a.m. and 8:00 p.m.
- H. Prohibited Activities
 - 1. Vehicle Repair: Repair of vehicles, including automobiles, motorcycles, tractors and similar mechanized equipment, shall be prohibited. Repair of vehicles includes, but is not limited to, mechanical repair, vehicle service, body work, vehicle painting and vehicle detailing.
 - 2. Retail or Wholesale Sales and Distribution: The retail or wholesale sale or distribution of a product or goods shall be prohibited. This prohibition shall not apply to the operation of a business where customers do not come to the site.
 - 3. *Marijuana dispensaries.*
- I. The provisions in this section shall not apply to child care providers.

2.07.17 **Temporary Outdoor Marketing and Special Events**

- A. Permitted Uses
 - 1. Seasonal sales of fireworks, Christmas trees, produce or plant materials, *except marijuana*
 - 2. Amusement rides and games
 - 3. Entertainment
 - 4. Any other merchandise or service, *except marijuana dispensaries*
- B. Duration
 - 1. Single events shall be limited to a maximum duration of three consecutive days, with all goods, temporary facilities and signs removed within 24 hours of closing on the last day of each event.
 - 2. Recurring events shall be limited to a maximum duration of one day, with all goods, temporary facilities and signs removed within 24 hours of each event. Events may reoccur once per week for a maximum of 24 weeks.
 - 3. Seasonal sales shall be limited to two events, with each event not exceeding more than 30 consecutive days.

- C. Events shall only be conducted between the hours of 8:00 a.m. and midnight.
- D. The use shall not block driveways, entrances or parking aisles.
- E. The required parking for all other uses of the property shall not be diminished below that required by this ordinance (Section 3.05).
- F. The use shall conform to all setback standards for the zone.
- G. Responsibilities
 - 1. The event operator:
 - a. Shall possess a valid special event permit for each event;
 - b. Shall be responsible for compliance with use standards, crowd and traffic control, and for sanitation, including rest rooms, waste disposal, and cleanup.
 - 2. The operator of a special use shall possess valid certification of compliance for all applicable health, sanitation and safety standards of the City and other applicable jurisdictions.
- H. The temporary outdoor marketing and special events shall not be located within a public right-of-way unless authorized by the appropriate jurisdiction (City of Woodburn, Marion County, or the Oregon Department of Transportation).
- I. Existing businesses with outdoor product display areas are not required to obtain a Temporary Outdoor Marketing and Special Events permit, but are limited to the following:
 - 1. Products sold within the primary building;
 - 2. Covering no more than ten percent of the gross square footage of the buildings on the property;
 - 3. Retaining a minimum of four feet for pedestrian clearance along any adjacent walkway.

2.07.19 *Marijuana Dispensaries*

- A. The dispensary shall not be located within 1,000 feet of the real property comprising:***
 - 1. a public or private elementary, secondary or career school attended primarily by minors;***
 - 2. a child care facility;***
 - 3. a public park or public recreational facility;***
 - 4. property designated residential on the Comprehensive Plan Map;***
 - 5. another marijuana dispensary;***
- B. The dispensary shall be located entirely within a permanent building.***
- C. Drive-through service is prohibited.***
- D. Maximum allowed gross floor area for a dispensary is 3,000 square feet.***
- E. Enhanced exterior security lighting is required for a dispensary.***



Agenda Item

January 26, 2015

TO: Honorable Mayor and City Council through City Administrator

FROM: Jim Hendryx, Director of Economic & Development Services

SUBJECT: **Legislative Amendment LA 2014-01 (Medical Marijuana Dispensaries)**

RECOMMENDATION:

Conduct a public hearing and approve Legislative Amendment LA 2014-01 (Medical Marijuana Dispensaries). By motion, direct the staff to return with an ordinance enacting Council's action.

BACKGROUND:

In 1998, Ballot Measure 67 established the Oregon Medical Marijuana Act, which is codified in ORS 475.300 – 475.346.

In 2013, House Bill 3460 created a medical marijuana registration system and allowed medical marijuana facilities to be located in areas zoned for commercial, industrial, or mixed use.

In 2014, Senate Bill 1531 gave local governments the ability to impose “reasonable regulations” on the operation of medical marijuana facilities, such as limitations on the hours of operation, location, and the manner in which a facility dispenses marijuana. It also gave cities the ability to impose temporary moratoriums on medical marijuana facilities.

In February 2014, the City Council enacted Ordinance 2514, temporarily prohibiting establishment of medical marijuana facilities for one year, until the City has had a chance to amend the Woodburn Development Ordinance (the WDO) to establish zoning regulations.

The Planning Commission conducted a workshop meeting on October 23, 2014 and gave staff general input into potential standards that could be considered in the amendments to the WDO. A public hearing was then held on December 11, 2014, where the Commission unanimously recommended

Agenda Item Review: City Administrator City Attorney Finance

approval of LA 2014 – 01 (Medical Marijuana Dispensaries). As requested by the City Council, this amendment establishes zoning regulations for marijuana dispensaries. It limits dispensaries to industrial zones at least 1,000 feet from residential properties, schools, day care facilities, parks, and other dispensaries. It also prohibits operation of marijuana dispensaries under a Temporary Outdoor Marketing and Special Event permit and would prohibit such dispensaries as a Home Occupation.

DISCUSSION:

Oregon law has allowed the use of medical marijuana since 1998. The legislature enacted House Bill 3460 this past spring, establishing standards for medical marijuana dispensaries in an effort to insure quality control and standardize distribution procedures. The law includes land use and regulatory standards. Generally, land use governs the use of land while regulatory standards address the operational aspects of a business. Consistent with the City Council's direction, Legislative Amendment 2014-01 addresses only land use. The proposed ordinance amendment is intended to address marijuana dispensaries in general.

Regulatory vs. Land Use Standards

<ul style="list-style-type: none"> • Land Use Standards 	<ul style="list-style-type: none"> • Regulatory:
<ul style="list-style-type: none"> • Location standards (zoning) 	<ul style="list-style-type: none"> • Licensing
<ul style="list-style-type: none"> • Separation from schools 	<ul style="list-style-type: none"> • Inspection
<ul style="list-style-type: none"> • Separation for parks 	<ul style="list-style-type: none"> • Safety
<ul style="list-style-type: none"> • Separation from child care centers 	<ul style="list-style-type: none"> • Background checks
<ul style="list-style-type: none"> • Separation from other dispensaries 	<ul style="list-style-type: none"> • Procedures

FINANCIAL IMPACT:

As presented, marijuana dispensaries would be regulated as a special use, subject to specific siting standards. Dispensaries would not be subject to a

separate land use approval process, such as a conditional use permit. There are no financial impacts for this amendment.

Attachments:

City Council Staff Report
Exhibits A - E



Department of Economic and
Development Services
Planning Division

270 Montgomery Street, Woodburn, Oregon 97071 • (503) 982-5246

**CITY COUNCIL STAFF REPORT
PUBLIC HEARING**

Application Type	Type V Legislative Amendment
Application Number	LA 2014-01
Project Description	Medical Marijuana Dispensaries
Project Location	Entire City
Zoning	Industrial Park (IP) Light Industrial (IL)
Planner Assigned	Jim Hendryx, Director
120-Day Deadline	Not Applicable to Legislative Decisions
Date of Staff Report	December 22, 2014
Date of Public Hearing	January 12, 2015

BACKGROUND

In 1998, Ballot Measure 67 established the Oregon Medical Marijuana Act, which is codified in ORS 475.300 – 475.346.

In 2013, House Bill 3460 created a medical marijuana registration system and allowed medical marijuana facilities to be located in areas zoned for commercial, industrial, or mixed use.

In 2014, Senate Bill 1531 gave local governments the ability to impose “reasonable regulations” on the operation of medical marijuana facilities, such as limitations on the hours of operation, location, and the manner in which a facility dispenses marijuana. It also gave cities the ability to impose a moratorium on facilities until May 1, 2015.

In February 2014, Ordinance 2514 was enacted, prohibiting establishment of medical marijuana facilities for one year, until the City has had a chance to amend the WDO to establish zoning regulations for medical marijuana facilities within the City. Additional information can be found on the Secretary of State webpage noted below:

Webpage: (http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_333/333_061.html)

The Planning Commission conducted a workshop meeting on October 23, 2014 and gave staff general input into potential standards that could be considered in the amendments to the WDO. A public hearing was then held on December 11, 2015, where the Commission unanimously recommended approval of LA 2014 – 01 (Medical Marijuana Dispensaries). This amendment establishes the zoning regulations for marijuana dispensaries. It limits dispensaries to industrial zones at least 1,000 feet from residential properties, schools, day care facilities, parks, and other dispensaries. It also prohibits operation of marijuana dispensaries under a Temporary Outdoor Marketing and Special Event permit and would prohibit such dispensaries as a Home Occupation.

This past November, Oregon voters approved Measure 91, which legalizes the recreational use of marijuana by persons 21 years of age and older. This takes effect on July 1, 2015. Adults can carry up to one ounce of marijuana, keep up to eight ounces at home per household, and grow up to four plants per household. Measure 91 also establishes the provision for retail sales outlets. The Oregon Liquor Control Commission (OLCC) is tasked with developing standards for retail outlets, which will be completed over the next year. As complicated as medical marijuana dispensaries are, retail sales of recreational marijuana will add further confusion to the process and any ultimate standards. It is unclear at this point as to whether medical dispensaries and retail sales will be regulated separately or combined. Is there a need to eventually have separate standards for both, or should there be just one overall standard addressing all marijuana dispensaries?

The proposed ordinance is intended to address both medical and retail dispensaries, referencing marijuana dispensaries in general, rather than solely focusing on medical marijuana dispensaries. This measure establishes local standards for dispensaries. At this point, state law provides for medical marijuana

dispensaries, but retail sales of marijuana are currently illegal, regardless of local land use standards. Once OLCC develops standards for retail sales of marijuana, further amendments to the WDO can be considered.

ANALYSIS AND FINDINGS OF FACT

WDO 4.01 Decision Making Procedures

Findings: Under Section 4.01.02.E of the Woodburn Development Ordinance, decisions involving legislative actions where the City Council amends the City's land use regulations are Type V decisions. The Planning Commission holds an initial public hearing on the proposal and makes a recommendation to the City Council. The City Council then holds a *final* public hearing and makes the City's final decision, which is appealable to the Land Use Board of Appeals within 21 days after it becomes final.

Conclusions: This legislative amendment is correctly processed as a Type V decision.

Findings: Under Section 4.01.02.E, the City Council must initiate legislative decisions. Section 3 of Ordinance 2947 "initiates an amendment to the WDO to establish appropriate zoning regulations for marijuana facilities".

Conclusion: This legislative amendment was correctly initiated by the City Council.

Findings: Under Section 4.01.10, the Planning Commission must hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal, at or before the hearing. The Director notifies the Oregon Department of Land Conservation and Development (DLCDC) at least 35 days before the first hearing.

Once the Planning Commission hearing has been scheduled and notices sent out, the Director prepares and makes available a report on the proposal at least seven days before the hearing.

At the conclusion of the hearing, the Planning Commission adopts a recommendation on the proposal to the City Council. If the Commission recommends adoption of some form of the proposal, the Commission must prepare and forward to the City Council a report and recommendation to that effect.

Upon receiving a recommendation from the Planning Commission on a legislative action, the City Council holds at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at, or prior to, the hearing. At the conclusion of the hearing, the City Council may adopt, modify or reject the legislative proposal, or may remand the matter to the Planning Commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby enact or amend the City's land use regulations, the City Council decision is enacted as an ordinance.

Not later than five working days following the City Council's final decision, the Director mails notice of the decision to the DLCD, in accordance with ORS Chapter 197.

Conclusions: The Planning Commission conducted a public hearing before making recommendations to the City Council. Notice has been provided to the Oregon Department of Land Conservation and Development (DLCD). Background information, including the staff report, has been made available for public inspection. The City Council will conduct a public hearing on January 12, 2015 to receive the Commission's recommendations and public input. All provisions of this section of the WDO and State statute have been met.

Findings: Public notice was provided for all public hearings in accordance with Section 4.01.14 of the WDO. Individual property owner notice was not required under Ballot Measure 56. Notice of the public hearing was published in the Woodburn Independent newspaper on November 26, 2014.

All notifications contained information regarding the time, date, and location of the public hearings, the file number, and staff contact information for questions or submission of testimony. All notification documents provided information regarding the public hearing procedures and how to review or obtain copies of the documents to be considered.

Conclusion: Notification requirements consistent with the provisions of the Woodburn Development Ordinance and statutory requirements were met.

Woodburn Comprehensive Plan

Findings: The Comprehensive Plan (Volume 1 Goals and Policy Amendments) states:

“The keystone of plan implementation is the Woodburn Development Ordinance (WDO). This WDO ensures that the location and design of various land uses and in some cases, the timing of those land uses, is in compliance with the Comprehensive Plan. The WDO ensures that incompatible uses do not occur, while allowing flexibility consistent with the purpose of the plan.”

Conclusions: The proposed amendments carry out State Statute and ensure that incompatible uses do not occur. The proposed amendments are consistent with the Comprehensive Plan.

Findings: The Comprehensive Plan (Volume 1 Goals and Policy Amendments) states:

“The planning process is continuous. There is no plan that can foresee all of the problems the future will bring. ... The Planning Commission should ensure that any change it makes in the Comprehensive Plan is consistent with other goals and policies established in this Plan.”

Conclusions: The Comprehensive Plan recognizes that plans and implementing ordinances like the WDO continue to evolve and change over time. The proposed amendments are consistent with the intent of the Comprehensive Plan and statewide goals and guidelines.

Findings: The State adopted 19 goals for state and local land use decisions. The statewide planning goals applicable to this case are Goals 1 (Citizen Involvement) and 2 (Land Use Planning).

Goal 1 requires that the City develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. Agency and public notice have been provided. A workshop has been held and public hearings are being conducted.

Goal 2 requires that the City establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions. The Woodburn Development Ordinance contains procedures and requirements for facts and findings. The proposed amendments require additional findings for residential density transfer bonuses.

Conclusion: The proposed amendments are consistent with applicable statewide planning goals.

Woodburn Development Ordinance

Findings: Table 2.04A lists the uses allowed in the industrial zones of the City. The proposed change to Table 2.04A is as follows:

Uses Allowed in Industrial Zones					
Table 2.04A					
Use		Zone			
Accessory Uses (A) Conditional Uses (CU) Permitted Uses (P)		IL	IP	P/SP	SWIR
Special Permitted Uses (S) Specific Conditional Uses (SCU)					
B	Commercial Retail and Services				
9	Marijuana dispensaries (as defined by State statutes)	S	S		

Conclusion: The proposed amendment would allow marijuana dispensaries only in the IL and IP zones, subject to special conditions. The special conditions are enumerated later in this report.

Findings: Home Occupations are allowed in the residential zones of the City, subject to Section 2.07.10 of the WDO. The proposed change to Section 2.07.10 is as follows:

Prohibited Activities

....

Marijuana Dispensaries.

Conclusion: The proposed amendment would prohibit marijuana dispensaries as Home Occupations.

Findings: Temporary Outdoor Marketing and Special Events are allowed in the commercial zones of the City, subject to Section 2.07.17 of the WDO. The proposed change to Section 2.07.17 is as follows:

Permitted Uses

1. Seasonal sales of fireworks, Christmas trees, produce or plant materials, **except marijuana**
2. Amusement rides and games
3. Entertainment
4. Any other merchandise or service, **except marijuana dispensaries**

Conclusion: The proposed amendment would prohibit marijuana sales and marijuana dispensaries as Temporary Outdoor Marketing and Special Events.

Findings: If marijuana dispensaries are listed as Special Permitted Uses in Table 2.04A, the special conditions must be listed in Section 2.07. A proposed new Section 2.07.19 is as follows:

2.07.19 Marijuana Dispensaries

- A. The dispensary shall not be located within 1,000 feet of the real property comprising:
 1. a public or private elementary, secondary or career school attended primarily by minors;
 2. a child care facility;
 3. a public park or public recreational facility;
 4. property designated residential on the Comprehensive Plan Map;
 5. another marijuana dispensary;
 6. the dispensary shall be located entirely within a permanent building;
 7. drive-through service is prohibited;
 8. maximum allowed gross floor area for a dispensary is 3,000 square feet;
9. enhanced exterior security lighting.

Conclusion: The proposed amendment establishes the special conditions applicable to medical marijuana dispensaries.

OVERALL CONCLUSION AND RECOMMENDATION

The proposed amendment is consistent with the Woodburn Comprehensive Plan and the Woodburn Development Ordinance. It is recommended that the City Council approve LA 2014-01 as recommended by the Woodburn Planning Commission and direct staff to return with an ordinance implementing Council's action at the January 26, 2015 meeting.

LIST OF EXHIBITS

- A. Map showing Industrial Properties Outside 1,000 ft. School Buffer
- B. Map showing Industrial Properties Outside 1,000 ft. School, Park
Residential and Day Care Buffer
- C. Memo from Scott Russell, Chief of Police
- D. Dispensaries Checklist (requested by the Planning Commission)

Exhibit A

Industrial Properties Outside 1,000 Foot School Buffer

Marijuana Dispensaries

January, 2015

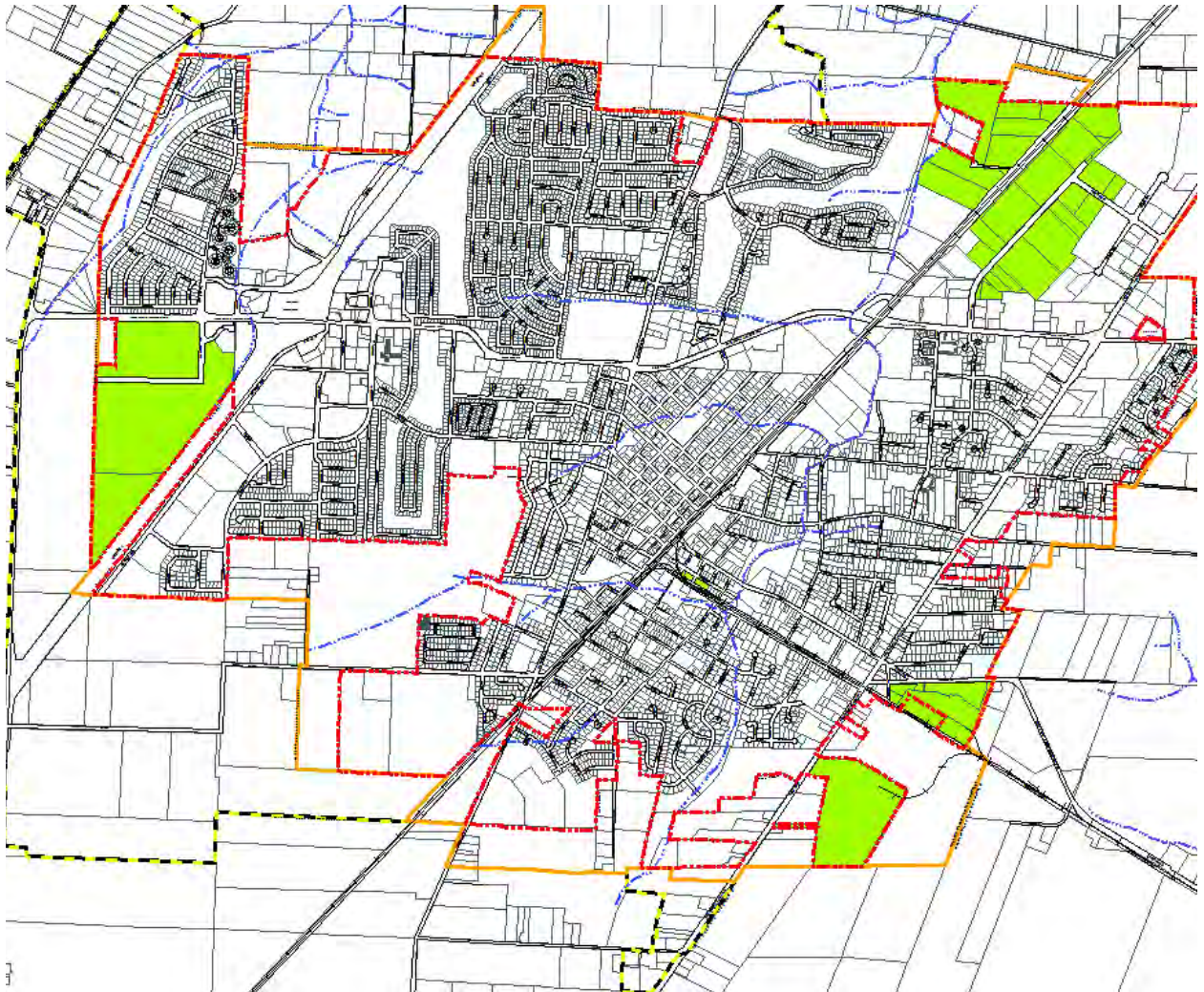


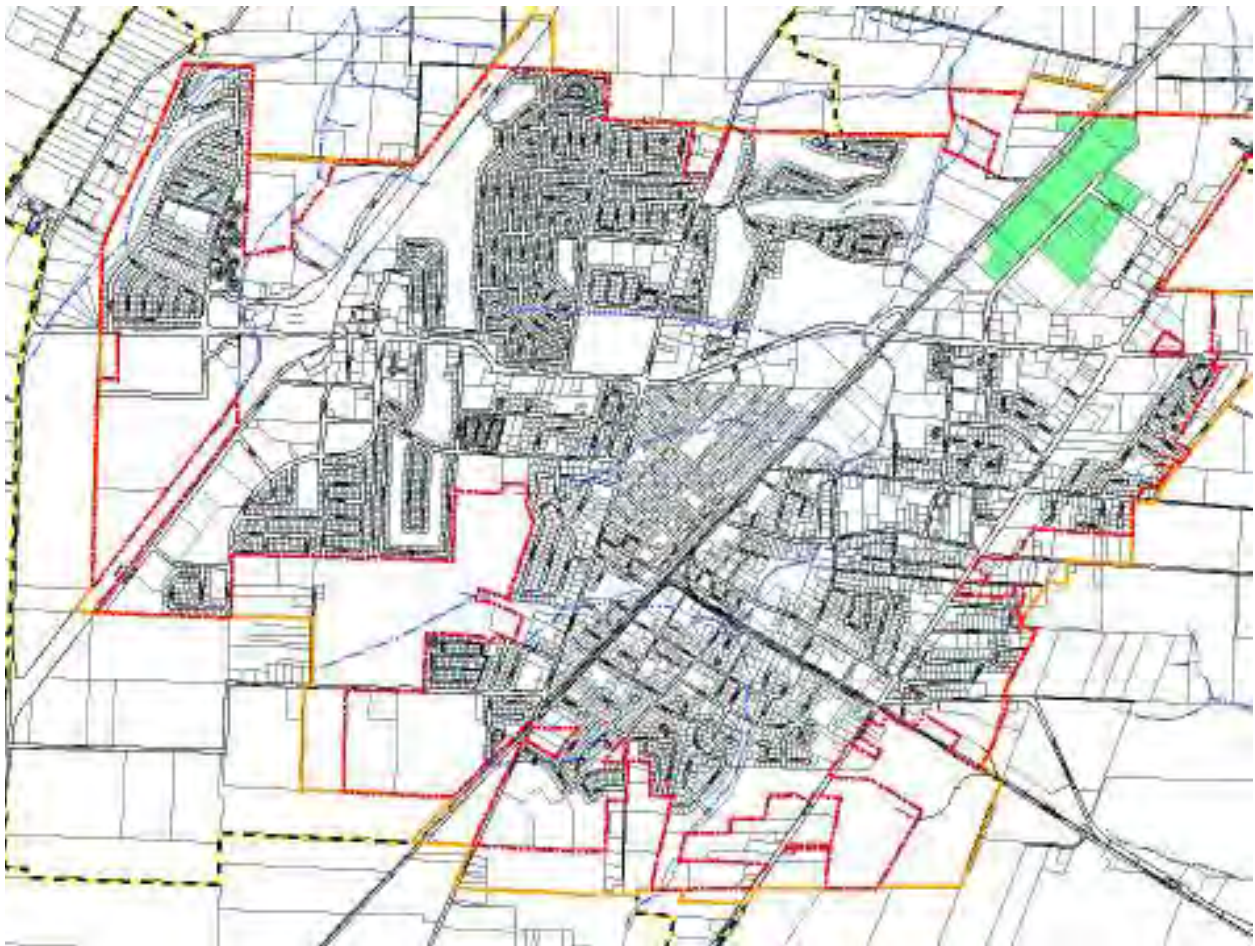
Exhibit B

Industrial Properties Outside the 1,000 Foot School, Park

Residential and Day Care Buffer

Marijuana Dispensaries

January 2015





WOODBURN POLICE DEPARTMENT

1060 Mt. Hood Ave., Woodburn, Oregon 97071

Phone: (503) 982-2345 FAX: (503) 982-2371

Scott D. Russell • Chief of Police
Doug Garrett • Patrol Division Captain
Jason Alexander • Support Division Captain

September 9, 2014

To: Jim Hendryx, Economic & Development Services Director

Subject: MEMO

From: Scott D. Russell, Chief of Police

Re: OMMP Dispensaries Ordinance Development

Introduction:

By statute, the Oregon Health Authority (OHA) is tasked with managing the Oregon Medical Marijuana Program (OMMP), and is now tasked with licensing, inspecting, and regulating OMMP dispensaries. This includes some regulation as to the location of these dispensaries. In general facilities may be located on commercial, industrial, mixed use, and agriculturally zoned properties. However, facilities cannot be co-located with OMMP grow sites or use locations. Dispensaries also cannot be located within 1,000 feet of each other or of a private or public elementary, secondary, or career school attended primarily by minors. They also must follow the Secretary of State's business rules, rules related to safety and health, and the dispensary owner must pass a criminal background check.

Thank you for requesting our input into the Planning Commission's work in the development of a draft ordinance on this issue. The Woodburn Police Department stands ready to assist the Commission with its review and deliberations on a draft ordinance. Please consider us as a resource for your committee. The following items are some of the key issues that we are concerned with:

Law Enforcement Issues:

- Cities across Oregon have undertaken the task of seeking to adopt local rules for dispensaries as allowed under SB 1531, and many (including Woodburn) have enacted a one year moratorium in order to evaluate and enact local ordinances to help regulate dispensaries.
- SB1531 allows local government to regulate dispensary:
 - Hours of operation (Time)
 - Location (Place)
 - Operations (Manner)
 - Several cities within Marion County have evaluated local ordinances and have them in process, including the two largest cities in the County (Salem & Keizer)

- As the third largest city in the County, the adoption of an ordinance that has some uniformity with the other cities' ordinances would provide an equal playing field where dispensaries would not be encouraged or discouraged from locating based upon local ordinance. This would in turn support the basis to defend any claims brought against the City.
- Law enforcement has some basic public safety concerns with dispensary hours, locations, and operations. These concerns revolve around three basic goals:
 - The protection of the public (especially children)
 - The prevention of crime and violence related to dispensary operations
 - The exclusion of criminal drug trafficking organizations (DTO) from using OMMP dispensaries as a front for their business
- While the OHA has regulation authority over the OMMP under State Statute, local experience is that the OHA has been underfunded and over-tasked with administrating the OMMP program, even prior to the creating of dispensaries. It is the combined opinion of most local law enforcement that OHA will not be able to adequately manage the OMMP dispensary program once it reaches its full height of operations. Due to this situation, local regulation is necessary at this time to reach our goals.
- Ideally location regulation should include the following areas to help reach the aforementioned law enforcement goals;
 - Enforcement:
 - Requirement to follow all OHA rules
 - Local compliance inspections to confirm OHA rule compliance
 - Local denial of a new or renewal application and permit suspension or revocation, based upon reasonable criteria and at the recommendation of the Chief of Police.
 - Operations:
 - Requirement to follow all OHA operations rules
 - Restricting hours of operations to 10AM to 8PM
 - No drive through or walk up access
 - Require OMMP Card to be displayed to gain entry to facility
 - No access for minors (under 18)
 - Allowing facility access for Government officials at any time
 - Allowing City access to business records to assure compliance with OHA rules and City Ordinance
 - Follow OHA rules for edibles
 - Security:
 - All OHA security requirements must be met (Commercial door locks, alarm, video surveillance, etc)
 - Availability and daily use of a “cash drop safe” on site
 - Allow law enforcement access to video surveillance when officer makes written request and asserts it is related to a criminal investigation
 - Confidentiality:
 - Facility owner must register by name with the City despite OHA rules
 -

- Health:
 - Ventilation and filtration (Aspergillums)
 - Require certificate and waiver for the City from property owner that issue has been addressed between the parties in the lease/rental agreement
- Criminal Background Checks:
 - OHA requires that the owner must submit to a background check and that a limited class of convictions occurring within last 5 years are disqualifying from licensure.
 - Local ordinance permit disqualification should include owner and all employees, and include any felony or drug related misdemeanor conviction within 15 years from conviction or 10 years from end of sentence.
- Fees:
 - Permit fee should cover at a minimum initial site plan review, background checks and site visits
 - Annual fee should do full cost recovery for at least one annual site visit
- Locations:
 - This is really a matter for the Planning Commission and City Council to address
 - However, since statute provides buffer zones for schools to protect children similar buffer zones should be considered for other places children regularly visit:
 - Public & private preschools
 - DHS registered preschools and daycare
 - Public parks and recreation facilities

Exhibit D
Checklist of Issues
Medical Marijuana Dispensaries
Summary of Standards Adopted by Other Communities*

- Prohibited in downtown and office commercial zones
- Prohibited within 1,000 ft. - 2,000 ft. of other medical marijuana dispensaries
- Prohibited within 100 ft. - 200 ft. - 500 ft. - 1,000 ft. of residential properties
- Prohibited within 100 ft - 200 ft. - 500 ft. - 1,000 ft. of parks, libraries and playgrounds
- Prohibited within 100 ft - 200 ft. - 500 ft. - 1,000 ft. of child day care facilities
- Prohibited use of mobile facilities
- Prohibited use of drive-up windows
- Prohibited from operating as a home occupation
- Prohibited as seasonal sales and/or sales of merchandise or services
- Prohibited use of visible security bars on windows and doors
- Prohibited against on-site manufacturing or production of extracts, oils, resins or similar derivatives
- Prohibited against collocating with marijuana social clubs
- Enhanced exterior security lighting
- Off-street parking areas and entrances may not be obscured from public view or rights-of-way
- Limitation of hours (8:00 am – 10:00 pm)
- Air filtration and ventilation system must confine all odors associated with the facility to the premises
- Maximum allowed gross floor area for a dispensary is 3,000 square ft.
- Dispensary must be located on a property adjacent to a boulevard (major arterial)
- Must provide for secure disposal of marijuana remnants or byproducts

*Summation of standards from Klamath Falls, Ashland, Hillsboro, Washington County, Keizer & Salem

City of Woodburn
Marijuana Dispensary Standards
January, 2015

- Prohibited in all zones except Light Industrial and Industrial Park zones (special use standards)
- Prohibited within 1,000 ft. of other medical marijuana dispensaries
- Prohibited within 1,000 ft. of residential designated properties
- Prohibited within 1,000 ft. of parks, libraries & playgrounds
- Prohibited within 1,000 ft. of child daycare facilities
- Prohibited use of mobile facilities
- Prohibited use of drive-up windows
- Prohibited against operating as a home occupation
- Maximum allowed gross floor area for a dispensary is 3,000 square ft.

Exhibit E
WOODBURN PLANNING COMMISSION PUBLIC
HEARING/MEETING MINUTES
December 11, 2014

CONVENED: The Planning Commission met in a public meeting session at 7 p.m. in the City Hall Council Chambers, with Chair Claudio Lima presiding.

ROLL CALL:

Chair	Lima	Present
Vice-Chair	Piper	Absent
Commissioner	Grigorieff	Present
Commissioner	Vacant	
Commissioner	Comer	Present
Commissioner	Corning	Present
Commissioner	Vacant	

Staff Present: Jim Hendryx, Economic and Development Services Director
 Don Dolenc, Associate Planner
 Jon Stuart, Assistant City Attorney
 Vicki Spitznogle, Recording Secretary

Chair Lima opened the workshop/meeting at 7 pm, and led the Commissioners in the flag salute.

Minutes

The October 23, 2014 minutes were unanimously approved.

Business from the Audience

None

Communication

None

Public Hearing:

A. 2990 Newberg Highway - DR 2014-03; VAR 2014-02

Associate Planner Don Dolenc provided an overview of the project. The applicant requests a Type III Design Review for a new 4,054 square foot gas station and convenience store, and a Variance to the number of required parking spaces and the number and location of pole signs. The property is zoned Commercial General (CG). Abutting properties are also zoned CG.

The Planning Division recommends approval of cases DR 2014-03 and VAR 2014-02, subject to the following conditions of approval:

1. The property owner shall execute an acceptance of these conditions of approval.
2. The property shall be developed in substantial conformity to the preliminary plans (Exhibits A through L), except as modified by these conditions of approval.
3. Prior to issuance of a building permit, the property owner shall provide a five foot public utility easement along Lawson Avenue, in accordance with Section 3.02.01.B. This would appear to have been done.
4. Prior to issuance of a building permit, the property owner shall provide poles for street lights along Lawson Avenue, in accordance with Section 3.02.03.
5. Prior to issuance of a building permit, the illumination levels shall comply with Section 3.05.02.L. This recommendation would be adjusted to reflect the IES recommendation of 1.5 foot candles in the parking lot and 12.5 foot candles under the canopy.
6. Prior to issuance of a building permit, the refuse collection screening wall shall comply with Section 3.06.06. This condition has been met.
7. Prior to issuance of a building permit for the freestanding signs, the signs shall be provided with pole wrap that complies with Section 3.10.06.E.
8. Parking facilities with the parking to the south, when that property redevelops and additionally, that the location of the connection does not need to be where it is shown on the present site plan.

The Planning Commission discussed the requested recessed canopy lighting extensively and expressed general support for the applicant's proposal.

There was discussion about the proposed pole signs and pole sign wrap standards. Should the applicant wish to deviate from the wrap standards in the future, a variance would be required.

In the future, when the adjoining property is developed, a condition of approval will be requested for an interconnection between the properties.

Chairperson Lima invited the applicant to speak.

1. Bob Barman, 2990 Newberg Highway, Woodburn, OR, 97071, spoke about his goal to utilize green infrastructure in building the gas station, such as LED lighting, solar panels, geothermal heating and cooling, and a sedum grass roof, which will intercept rainwater and extend roof life. He pointed out that with the light plan proposed, the recessed canopy lights would be bright beneath the canopy workspace to address safety and pedestrian concerns, but there would be little light pollution beyond the canopy area.

Chairperson Lima invited opponents of the application to speak. There were none.

Commissioner Corning moved that the applicant's proposal be approved, subject to the conditions of approval shown in the staff report, excluding item #5 relating to the lighting, and providing for the future interconnection of properties in item #8. The Chair would be authorized to sign the Final Order. Commissioner Grigorieff seconded the motion. The Commission unanimously approved the motion.

B. Marijuana Dispensaries LA 2014-01

Legislative Amendments to the Woodburn Development Ordinance establishing land use standards for marijuana dispensaries were discussed in this public hearing. Economic and Development Services Director Jim Hendryx provided an overview of the uniform registration and licensing procedures for medical marijuana dispensaries, which was discussed in detail at the Planning Commission workshop on October 23, 2014.

At that meeting, the Commission requested that:

- Dispensaries be located 1,000 feet from residential property, schools, day care facilities, parks, and other dispensaries
- Operation of marijuana dispensaries be prohibited under a Temporary Outdoor Marketing and Special Event permit and also prohibited as a Home Occupation

It is unclear at this time as to whether medical dispensaries and retail sales will be regulated separately or not by the state. Staff is proposing to make one standard that will regulate both.

The PC said at the workshop that they want dispensaries to be in the industrial zones (LI and IP), as well as being 1,000 feet from schools, parks, child care and single family residentially zoned property. Director Hendryx pointed out the only Woodburn area available that would meet these requirements.

Director Hendryx noted that ultimately there will be both land use and regulatory standards for marijuana dispensaries. Land use standards, such as regulating the location of dispensaries, will be included in the Woodburn Development Ordinance. Operational (regulatory) standards, such as licensing and safety, are addressed by statute and any local standards would be addressed in the municipal code. Both land use and operational aspects will be discussed by the Council.

Commissioner Grigorieff asked whether vulnerable populations, such as group homes and half-way houses were addressed with the standards. Director Hendryx indicated that the 1,000 feet buffer from residential property standard

also addresses vulnerable populations since they are typically located within that area.

Chair Lima made a point that the floor is open for public questions. No public was in attendance, and he closed the public hearing, opening for a motion from the Planning Commission.

Commissioner Corning moved that the City Council approve the proposed amendments to the Woodburn Development Ordinance, which are listed in the attachments and in staff report LA 2014-01. Commissioner Grigorieff seconded the motion. The motion was approved unanimously.

Items for Action:

None

Business from the Commission:

There are two openings on the Planning Commission Board. The Mayor will appoint people to those positions in January, 2015.

In January, the Commission will conduct elections to appoint a new Chair and Vice-Chair.

Associate Planner Don Dolenc announced his retirement in February, 2014. The Commission expressed their appreciation for his work.

Adjournment

Commissioner Grigorieff moved to adjourn the meeting and Commissioner Corning seconded it. The meeting was adjourned at 9:28pm.

APPROVED _____
Claudio Lima, Chair Date

ATTEST _____
James N.P. Hendryx Date
Economic & Development Services Director
City of Woodburn, Oregon