

Exhibit C. Police Advisory Board Draft Code Language

Medical Marijuana Dispensary

Plan Amendment -**DRAFT CODE LANGUAGE**

April 3, 2015

Staff met with the Police Advisory Board on April 2, 2015 and provided the draft code amendments concerning medical marijuana dispensaries. The Board considered the language and discussed the various time, place and manner restrictions proposed. The Board discussed adding Code language that a medical marijuana dispensary must post a sign in the front of the business notifying patrons that no one other than a registered card holder was allowed to enter the dispensary premises. This was not ultimately part of the recommended Code language approved by a majority of the Board.

In considering the proposal, the majority of the Board agreed to recommend to the Commission that they should consider limiting the land use zoning to industrial lands only, reduce the allowable size of a dispensary to 2,500 square feet, and allow a dispensary to remain open until 7 pm during weekdays. The Board also decided that a definition of plaza should be included with the amendments and that language should be added to prohibit a dispensary from delivery services in addition to the proposed prohibition on mobile vending.

Additions are in [BLUE](#)

Additions proposed by the Police Advisory Board are in [Green](#)

Deletions proposed by the Police Advisory Board are in ~~red strikethrough~~

Add to Section 16.10- DEFINITIONS

MEDICAL MARIJUANA DISPENSARY: A retail facility registered by the Oregon Health Authority that is allowed to receive marijuana, immature marijuana plants or usable marijuana products (such as edible products, ointments, concentrates or tinctures) and to transfer that marijuana, immature plants, or usable project to a person with a valid Oregon Medical Marijuana Program card (a patient or the patient's caregiver). A dispensary includes all premises, buildings, curtilage or other structures used to accomplish the storage, distribution and dissemination of marijuana.

MOBILE VENDOR: A service establishment operated from a licensed and moveable vehicle that vends or sells food and/or drink or other retail items processed or prepared on-site to walkup customers.

PUBLIC PLAZA: a square in a city or town; an open area usually located near urban buildings and often featuring walkways, trees and shrubs, places to sit, and sometimes shops.

EXISTING Definitions (for reference purposes)

Public Park: A park, playground, swimming pool, reservoir, athletic field, or other recreational facility which is under the control, operation or management of the City or other government agency.

Educational Institution: Any bona-fide place of education or instruction, including customary accessory buildings, uses, and activities, that is administered by a legally-organized school district; church or religious organization; the State of Oregon; or any agency, college, and university operated as an educational institution under charter or license from the State of Oregon. An educational institution is not a commercial trade school as defined by Section 16.10.020.

Add to Land uses tables of Chapter 16.22.10 and 16.31 tables with footnotes to see Special Uses

Chapter 16.22 Commercial Land Use Districts

16.22.020 - Uses

A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C), and not permitted (N) in the Commercial Districts. The specific land use categories are described and defined in Chapter 16.88 Use Classifications and Interpretations.

B. Uses listed in other sections of this code, but not within this specific table are prohibited.

C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the commercial zones or contribute to the achievement of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88 Use Classifications and Interpretations.

D. Additional limitations for specific uses are identified in the footnotes of this table.

| COMMERCIAL USES | OC | NC | RC | GC |
|---|----------|----------|----------------------------------|----------------------------------|
| COMMERCIAL | | | | |
| General Retail - sales oriented | | | | |
| • General retail trade, not exceeding 10,000 square feet of gross square footae. | P | P | P | P |
| • General retail trade greater than 10,000 square feet of gross square footae | N | P | P | P |
| • <u>Medical Marijuana Dispensary, not exceeding 5,000 2,500 square feet of gross square footage</u> | <u>N</u> | <u>N</u> | <u>N</u> <u>P⁹</u> | <u>N</u> <u>P⁹</u> |

~~9. See Special Criteria for Dispensary under Chapter 16.38.020.~~

CHAPTER 16.31 INDUSTRIAL LAND USES

16.31.020 - Uses

A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C) and not permitted (N) in the industrial zoning districts. The specific land use categories are described and defined in Chapter 16.88.

B. Uses listed in other sections of this code, but not within this specific table are prohibited.

C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the commercial zones or contribute to the achievement of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88

D. Additional limitations for specific uses are identified in the footnotes of this table.

| INDUSTRIAL USES | LI | GI | EI |
|--|-----------------------|-----------------------|----------|
| COMMERCIAL | | | |
| General Retail - sales oriented | | | |
| <ul style="list-style-type: none"> Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10 % of the total floor area of the business.⁷ | C | C | P |
| <ul style="list-style-type: none"> Medical Marijuana Dispensary, not exceeding 5,000 2,500 square feet of gross square footage | <u>P¹⁰</u> | <u>P¹⁰</u> | <u>N</u> |
| <ul style="list-style-type: none"> Tool and Equipment Rental and Sales, Including Truck Rental.⁷ | P | P | P |
| <ul style="list-style-type: none"> Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries). | P | P | N |
| <ul style="list-style-type: none"> Wholesale building material sales and service | C | P | N |
| <ul style="list-style-type: none"> Retail building material sales and lumberyards⁷ | | | |

[10. See Special Criteria for Dispensary under Chapter 16.38.020.](#)

Add Medical Marijuana Dispensary to Category Type II Land Use Procedures for Processing Development Permits.

CHAPTER 16.72 Procedures for Processing Developing Permits

16.72.010 - Generally

A. Classifications

Except for Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

2. Type II

The following quasi-judicial actions shall be subject to a Type II review process:

a. Land Partitions

b. Expedited Land Divisions - The Planning Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Zoning and Community Development Code. Conditions may be imposed by the Planning Director if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code.

c. "Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to conditional use permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010.4, below.

d. "Design Upgraded" Site Plan review, defined as those site plan applications which propose between 15,001 and 40,000 square feet of floor area, parking or seating capacity and which propose a minimum of eighty percent (80%) of the total possible points of design criteria in the "Commercial Design Review Matrix" found in Section 16.90.020.4.G.4.

e. Industrial "Design Upgraded" projects, defined as those site plan applications which propose between 15,001 and 60,000 square feet of floor area, parking or seating capacity and which meet all of the criteria in 16.90.020.4.H.1.

f. Homeowner's association street tree removal and replacement program extension.

g. Class B Variance

h. Street Design Modification

i. Subdivisions between 4—10 lots

[j. Medical Marijuana Dispensary permit](#)

16.38 SPECIAL USES

16.38.010 GENERAL PROVISIONS

Special uses included in this Section are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These conditions and standards may differ from the development standards established for other uses in the same zoning district. When a dimensional standard for a special use differs from that of the underlying zoning district, the standard for the special use shall apply.

16.38.020 MEDICAL MARIJUANA DISPENSARY

A. CHARACTERISTICS:

1. A medical marijuana dispensary is defined in Section § 16.10.

2. Registration and Compliance with Oregon Health Authority Rules. A medical marijuana dispensary must have a current valid registration with the Oregon Health Authority under ORS 475.314. Failure to comply with Oregon Health Authority regulations is a violation of this Code.

B. APPROVAL PROCESS: Where permitted, a medical marijuana dispensary is subject to approval under § 16.72.010A.2a, the Type II land use process.

C. STANDARDS

1. Hours of Operation:

a. A medical marijuana facility may not be open to the public before 10:00 am and not later than 7:00 pm ~~6:00 pm~~ from Sunday through Thursday.

b. A medical marijuana dispensary may not be open to the public before 10:00 am and not later than 8 pm on Friday and Saturday.

2. Security Measures Required.

a. Landscaping must be continuously maintained to provide clear lines of sight from a public right of way to all building entrances.

b. Exterior lighting must be provided and continuously maintained.

c. Any security bars installed on doors or windows visible from a public right of way must be installed interior to the door or window, in a manner that they are not visible from the public right of way.

3. Co-location prohibited.

a. A medical marijuana dispensary may not be located at the same address as a marijuana manufacturing facility, including a grow operation.

b. A medical marijuana dispensary may not be located at the same address with any facility or business at which medical marijuana is inhaled or consumed by cardholders.

4. Mobile and Delivery Businesses Prohibited.

a. A dispensary may not operate as a mobile business as defined in Chapter 16.10.

b. A dispensary may not operate to deliver medical marijuana.

5. Drive-Through, Walk-Up. A medical marijuana dispensary may not have a walk-up window or a drive-through.

6. Proximity Restrictions.

A dispensary may not be located within 1,000 feet of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between the property lines of the affected properties:

a. An Educational Institution: public or private elementary, secondary, or career school that is attended primarily by children under 18 years of age.

b. Another medical marijuana dispensary.

c. A Public Park or Plaza.