CITY OF FLORENCE
PLANNING COMMISSION

RESOLUTION PC 16 10 CUP 03

A REQUEST FOR A CONDITIONAL USE PERMIT TO OPEN AND OPERATE A RETAIL RECREATIONAL MARIJUANA FACILITY AT 1480 RHODODENDRON DR. IN THE MAINSTREET AREA B ZONING DISTRICT, ASSESSOR'S MAP 18-12-27-44 TAXLOT 11500.

WHEREAS, application was made by Dustin Foskett of Buds4U for a Conditional Use Permit as required by FCC 10-1-1-4, FCC 10-4-4, and FCC 10-4-12; and

WHEREAS, the Planning Commission/Design Review Board met in a public hearing on August 9, 2016 as outlined in Florence City Code 10-1-1-5, to consider the application, evidence in the record, and testimony received, and

WHEREAS, the Planning Commission/Design Review Board determined per FCC 10-4-10, after review of the application, testimony and evidence in the record, that the application meets the criteria through compliance with certain Conditions of Approval; and

WHEREAS, the Planning Commission/Design Review Board of the City of Florence finds, based on the Findings of Fact, staff recommendation and evidence and testimony presented to them, that the application meets the applicable criteria.

NOW THEREFORE BE IT RESOLVED that the Planning Commission/Design Review Board of the City of Florence finds, based on the Findings of Fact and the evidence in record that:

The request for a Conditional Use Permit to approve the location of a retail recreational marijuana facility in the Mainstreet Area B zoning district meets the applicable criteria in Florence City Code and the Florence Realization 2020 Comprehensive Plan with the conditions of approval as listed below.

Conditions of Approval:

1. The application, as presented, meets or can meet applicable City codes and requirements, provided that the following conditions of approval are met.

Approval for shall be shown on:

"A" Findings of Fact
"B" Site & Updated Landscaping Plan

Findings of Fact attached as Exhibit "A" are incorporated by reference and adopted in support of this decision. Any modifications to the approved plans or changes of use, except those changes relating to Building Codes, will require approval by the Community Development Director or Planning Commission/Design Review Board.

2. Regardless of the content of material presented for this Planning Commission, including application text and exhibits, staff reports, testimony and/or discussions, the applicant agrees to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal Planning Commission action as documented by the records of this decision and/or the associated Conditions of Approval. The applicant shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval prior to issuance of a building permit.

3. The parking spaces shall be maintained and shall not be eliminated, used for the storage of materials of any type, or used for loading or unloading operations during business hours.

4. Conditional Use Permit Requirements

4.1. Authorization of a conditional use permit shall be void one (1) year after the date of approval, August 9, 2017, unless the use commences by this date and no building permits are necessary.

4.2. The discontinuance of the existing conditional use shall be considered the cessation of operations of the medical marijuana dispensary. The discontinuance of the retail recreational conditional use shall be considered the cessation of operations of the retail marijuana facility. This conditional use permit shall not be transferrable and discontinuance shall be considered immediate following cessation of approved activities at 1480 Rhododendron Drive as prescribed in FCC 10-4-9.

4.3. The applicant shall provide a cigarette receptacle for the deposit of cigarette butts further than 10 feet from the main entrance to the building. The applicant shall take other measures and post signage as necessary per the Oregon ICAA.

5. Timelines & Licensing

5.1. Unless otherwise specified, Conditions of Approval shall be completed prior to February 9, 2017.

5.2. The applicant shall install and provide manufacturer's information prior to six

months from the date of issuance of the conditional use permit (February 9, 2017) of installation of an effective odor control system such as by carbon filtration.

5.3. Upon final approval, the applicant shall submit proof of current and active registration with the OLCC to the City prior to operation of the recreational marijuana retail facility. This information shall be kept current and submitted to the City following any changes in licensing or property ownership.

6. Design Review

6.1. The applicant shall post signage within their business encouraging the use of on-street parking in front of the business and parking to the rear in order to discourage vehicles from encroaching onto other nearby properties.

6.2. The applicant has proposed no modification of the color, building materials, or exterior appearance, but shall abide by the policies established in the Downtown Implementation Plan. If the applicant or property owner chooses to change the building color, colors chosen shall be of a muted, coastal-themed palette and shall be approved by the Planning Department.

7. Zoning Requirements

7.1. The applicant shall place their trash containers within a trash enclosure meeting the requirements of FCC 10-27-5-I.

7.2. Outdoor storage of materials, manufacturing, compounding, processing, and treatment of products shall not be allowed. Unreasonable odor, dust, smoke, noise, vibration, or appearance shall not be allowed. Odors may not emanate from the facility.

8. Landscaping

8.1. The applicant shall pocket-plant one additional shrub in order to meet code requirements for the site width.

8.2. Plantings shall be irrigated unless deemed a drought tolerant plant through the Tree and Plant List. In which case, the applicant shall perform temporary irrigation until the plant has become established or an irrigation system has been installed. If the applicant has not permanently irrigated the plantings prior to August 9, 2017, and the plantings appear to still require regular irrigation, the applicant shall install a permanent, underground irrigation system with a backflow prevention device to all installed landscaping elements.

8.3. The applicant shall maintain their landscaping and replace any failed plantings

with an equivalent specimen within six months of their dying or removal.

9. The applicant shall maintain the vision clearance area free of visual obstructions from 2' 6" to 8' in height.

ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD the 9th day of August, 2016.

8/15/2016

Robert Bare, Commissioner DATE
Florence Planning Commission