
City of Florence Council & Planning Commission

Florence Events Center
715 Quince Street
Florence, OR 97439
541-997-3437

www.ci.florence.or.us

December 14, 2015

AGENDA

7:00 p.m.

Councilors:

Joe Henry, Mayor

Joshua Greene, Council President Ron Preisler, Council Vice-President
Susy Lacer, Councilor George Lyddon, Councilor

Planning Commission:

Curt Muilenburg, Chairperson

John Murphey, Vice-Chairperson Ron Miller, Commissioner
Charles Hammon, Commissioner Robert Bare, Commissioner
Clarence Lysdale, Commissioner

With 48 hour prior notice, an interpreter and/or TDY: 541-997-3437, can be provided for the hearing impaired.
Meeting is wheelchair accessible.

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

7:00 p.m.

1. APPROVAL OF AGENDA

2. PUBLIC COMMENTS

This is an opportunity for members of the audience to bring to the Council or Planning Commission's attention any item not otherwise listed on the agenda. Comments will be limited to three (3) minutes per person, with a maximum time of 15 minutes for all items. Speakers may not yield their time to others.

COMBINED COUNCIL – PLANNING COMMISSION PUBLIC HEARINGS & ACTIONS

3. FLORENCE MARIJUANA REGULATIONS

A. PUBLIC HEARING

Hear and consider written or oral testimony on the proposed amendments to establish locational, site design, and operational criteria related to marijuana businesses within the City of Florence.

Hearing Includes:

- Overview of Topic By Staff
- Questions of Staff by Councilors and Planning Commissioners
- Conduct of Hearing (*3 minutes per person*)
- Decision to close public hearing subject matter

B. PLANNING COMMISSION DECISION

Consider approval of Resolution PC 15 19 TA 01, a proposal to recommend the City Council approve Ordinance No. 12, Series 2015.

C. CITY COUNCIL DECISION

Consider approval of Ordinance No. 12, Series 2015, an ordinance amending Florence City Code Chapters 1, 3, 4, 15, 16, 17, 20, 21, 25, 27, 28, 30, and 31 of Title 10 concerning marijuana related businesses; and declaring an emergency.

Wendy
FarleyCampbell
Planning Director

4. OLD TOWN AREA A MANUFACTURING & WHOLESALE

A. PUBLIC HEARING

Hear and consider written or oral testimony on the proposed amendments to establish the permitted use provisions for the manufacture and wholesaling of food and beverage items accompanied by a retail and/or restaurant where those items are sold, within Old Town Area A.

Hearing Includes:

- Overview of Topic By Staff
- Questions of Staff by Councilors and Planning Commissioners
- Conduct of Hearing (*3 minutes per person*)
- Decision to close public hearing subject matter

Glen
Southerland
Assistant Planner

B. PLANNING COMMISSION DECISION

Consider approval of Resolution PC 15 21 TA 03, a proposal to recommend the City Council approve Ordinance No. 13, Series 2015.

C. CITY COUNCIL DECISION

Consider approval of Ordinance No. 13, Series 2015, an ordinance amending Florence City Code Chapter 17 of Title 10 concerning certain wholesale businesses within the Old Town Area ‘A’ zoning district.

COUNCIL CALENDAR

All meetings are held at City Hall (250 Hwy 101, Florence Oregon) unless otherwise indicated

| Date | Time | Description |
|--|------------|---|
| December 21, 2015 <u>OR</u> December 28, 2015 | 7:00 p.m. | City Council / Planning Commission Meeting <i>Marijuana Code Amendments</i> IF NECESSARY |
| December 25, 2015 | - - - | Christmas Holiday ~ <i>City Offices Closed</i> |
| January 1, 2016 | - - - | New Year’s Day Holiday ~ <i>City Offices Closed</i> |
| January 4, 2016 | - - - | City Council Meeting <i>Rescheduled to 1-11-16</i> |
| January 6, 2016 | 10:00 a.m. | City Council Work Session <i>Tentative</i> |
| January 11, 2016 | 6:00 p.m. | City Council Meeting |
| January 13, 2016 and January 14, 2016 | TBD | City Council Committee Interviews |
| January 18, 2016 | - - - | Martin Luther King Jr. Holiday <i>City Offices Closed</i> |
| January 18, 2016 and January 20, 2016 | - - - | City Council Meetings <i>Rescheduled to 1-25-16 and 1-27-16</i> |
| January 25, 2016 | 6:00 p.m. | City Council Meeting <i>Tentative</i> |
| January 27, 2016 | 10:00 a.m. | City Council Work Session <i>Tentative</i> |

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 1
Meeting Date: December 14, 2015
Department: Council & Planning
Commission

ITEM TITLE: APPROVAL OF AGENDA

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 2
Meeting Date: December 14, 2015
Department: Council & Planning
Commission

ITEM TITLE: PUBLIC COMMENTS

DISCUSSION/ISSUE:

This is an opportunity for members of the audience to bring to the Council or Planning Commission's attention any item not otherwise listed on the Agenda. Comments will be limited to three (3) minutes per person, with a maximum time of 15 minutes for all items. Speakers may not yield their time to others.

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 3
Meeting Date: December 14, 2015
Department: Planning

ITEM TITLE: Council-Planning Commission Public Hearing on amendments to Florence City Code Title 10 for marijuana related businesses, Ordinance 12, Series 2015 and Resolution PC 15 19 TA 01

DISCUSSION/ISSUE:

PROCESS

This proposal is being considered under a joint public hearing. The process includes a request for Planning Commission to make a recommendation to the Florence City Council and for the City Council to adopt Ordinance No. 12, Series 2015, "An Ordinance amending Florence City Code Chapters 1, 3, 4, 15, 16, 17, 20, 21, 25, 27, 28, 30 and 31 or Title 10 concerning marijuana related businesses and declaring an emergency. Please see the attached Ordinance, Resolution and proposed code amendments.

The joint Planning Commission – City Council public hearing to consider the proposed code amendments will be conducted as follows and outlined by Agenda Item No. 3.

1. Joint Planning Commission – City Council Public Hearing

Receive and consider written or oral testimony on the proposed code amendments

2. Planning Commission Decision

Deliberate testimony and staff's recommendations and consider approval of Resolution PC 15 19 TA 01, a proposal to recommend City Council approve Ordinance No. 12, Series 2015.

3. City Council Decision

Deliberate testimony and Planning Commission's and staff's recommendations and consider approval of Ordinance No. 12, Series 2015, a proposal to approve text amendments establishing time, place and manner land use criteria for marijuana related businesses in Title 10 – Zoning Regulations.

Staff will provide a PowerPoint presentation at the start of the public hearing to illustrate the proposed changes to the commissioners, elected officials and members of the public.

KEY MEETINGS AND ACTIONS

Key meetings on these amendments and decisions are as follows:

September 8, 2015: The Florence City Council and Planning Commission held a joint work session with staff and the city's legal counsel to discuss next steps concerning potential and current City of Florence medical and recreational marijuana regulations. They reviewed recent state legislation and its implications on the City of Florence Land Use, Business and Police Regulations. They made decisions to not ban temporary recreational marijuana sales in medical marijuana dispensaries and to not send the question about banning the licensed

marijuana activities back to the voters. The latter is due to a 52-48% Florence resident vote in 2014 favoring Measure 91 marijuana legalization. Western Lane County supported it 56-44%.

November 4, 2015: The Florence City council and Planning Commission held a joint work session with staff and the City's legal counsel to review draft code amendments proposed for Title 10 – Zoning Code, concerning medical and recreational marijuana related business locations and site / business layout and operations. The draft proposal was created after review of the Oregon Liquor Control Commission's publication of temporary rules on how the state was going to regulate the marijuana business activities. Council and the Commission gave direction on amending staff's proposal.

November 18, 2015: The Florence City Council and Planning Commission held a joint work session with staff to review revised draft code amendments for Title 10. Council and the Commission gave additional direction on amending staff's proposal and were generally satisfied with their direction going forward.

November 23, 2015: Florence Planning Department staff mailed over 4,000 public hearing notices to owners of property located in the city that might potentially be affected by the proposed code amendments.

PROPOSAL

Exhibit A, Findings of Fact includes a detailed description of the approval criteria and findings of consistency with the criteria. Exhibit B includes the proposed amendments to Florence City Code and can be viewed at City Hall or downloaded from the City's website through the following link: <http://www.ci.florence.or.us/council/notice-potential-ordinance-passage>.

Exhibit B, Florence city Code Title 10 Chapters, is summarized below:

1: Zoning Administration – Section 4, Add definitions for six licensed marijuana activities and modify the naming convention for marijuana dispensaries.

3: Off-Street Parking and Loading – Section 4, Clarify that the minimum parking spaces required (2) does not include the minimum accessible spaces.

4: Conditional Uses – Section 12, Reduce dispensary and retailer buffers from libraries and child care facilities from 500 ft. to 200 ft. and clarify the school buffer measurement methodology. Regulate the manner of business operations such as limiting residential district grown operations to indoor only, limiting artificial lighting on outdoor and green house grows, camera position, use of an odor control system and receipt of utility power approval for services. Production and processing are permitted as home occupations with use of criteria in FCC 10-4-12.

15: Commercial, 16: Highway, 27: Mainstreet, & 30: North Commercial – Add marijuana retailers and testing facilities to the conditionally allowed uses. Modify dispensary naming convention.

16: Highway, 20: Limited Industrial, 21: Public Use Airport, 28: Pacific View Business Park – Add marijuana testing, production, wholesaling and processing as conditionally allowed uses in 16 & 21 and permitted uses in 20 & 28.

17: Old Town – Prohibit all marijuana related businesses except production and processing as home occupations.

25: Professional Office – Add marijuana testing facilities as a permitted use and modify dispensary naming convention

31: Service Industrial – Add marijuana production & processing as conditionally allowed uses.

FISCAL IMPACT:

Adopting these amendments would not have any quantifiable impact on the city’s budget. The addition of these types of businesses will generate (and has already) a considerable amount of inquiries on establishing business in the city limits. No additional staff persons are proposed to be hired to explain or administer the standards.

RELEVANCE TO ADOPTED CITY WORK PLAN:

Ordinance No. 12, Series 2015 and Resolution PC 15 19 TA 01 address 2015 Council “Goal 3” Improve the City’s livability and quality of life, Objective 8: Site medical marijuana dispensaries. Create recreational marijuana regulations.

ALTERNATIVES:

Florence Planning Commission

1. Recommend adoption of the Florence city Code amendments in Exhibit B, as submitted by approving Resolution PC 15 19 TA 01.
2. Modify Exhibit B, amend findings to support modifications, and approve Exhibit B via the Resolution, as modified.
3. Continue the City’s hearing on Exhibit B to a date certain.
4. Leave the record open in order to allow more time for additional information to be submitted and set a date for a meeting deliberation and action.
5. Deny the proposal based on findings of non-compliance with criteria and describe the revised findings.

Florence City Council

1. Adopt the Florence City Code amendments in Exhibit B as submitted, by adopting City of Florence Ordinance No. 12, Series 2015.
 2. Modify Exhibit B, amend findings to support modifications, and adopt Exhibit B via the Ordinance, as modified.
 3. Continue the City’s hearing on Exhibit B to a date certain.
 4. Leave the record open in order to allow more time for additional information to be submitted and set a date for a meeting deliberation and action.
 5. Deny the proposal based on findings of non-compliance with criteria and describe the revised findings.
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RECOMMENDATION:

Staff finds that the proposal meets the requirements of City Code, the Florence Realization 2020 Comprehensive Plan, and the Oregon Revised Statutes and recommends the approval of Resolution PC 15 19 TA 01 and Ordinance No. 12, Series 2015.

AIS PREPARED BY: Wendy FarleyCampbell, Planning Director

CITY MANAGER'S RECOMMENDATION: Approve Disapprove Other

Comments: *ER Reynolds*

ITEM'S ATTACHED: Ordinance No. 12, Series 2015 and Resolution PC 15 19 TA 01
Exhibit A – Findings of Fact – PC 15 19 TA 01 / Ordinance No. 12, Series 2015
Exhibit B – Proposed Code Amendments
Exhibit C – “Where Can Someone as Proposed” Table
Exhibit D thru O – Written Public Testimony and Referral Comments

**CITY OF FLORENCE
ORDINANCE NO. 12, SERIES 2015**

**An Ordinance amending Florence City Code Chapters 1, 3, 4, 15, 16, 17, 20, 21, 25,
27, 28, 30, and 31 of Title 10 concerning marijuana related businesses; and
declaring an emergency**

RECITALS:

1. The Florence City Council initiated amendments to implement marijuana related business standards via their 2015 Work Plan by motion on February 17, 2015.
2. On November 9, 2015 notice of the proposed code amendments was sent to the Department of Land, Conservation and Development, not less than 35 days prior to the first evidentiary hearing.
3. On November 23, 2015, the City sent notice to affected property owners pursuant to ORS 227.186 notifying them of the joint Planning Commission and City Council public hearing, as well as posted the proposed code amendments on the web site.
4. On November 24, 2015, the City sent notice to Referral Agencies about the proposed amendments and the public hearing.
5. On December 1, 2015 and December 9, 2015, notice of hearing was published in the Siuslaw News, prior to the joint Planning Commission and City Council hearings of December 14, 2015.
6. City Council and Planning Commission held joint work sessions on November 4 and 18, 2015.
7. Planning Commission opened their public hearing December 14, 2015 and then closed it and deliberated to a decision for a recommendation to the City Council on December 14, 2015.
8. City Council conducted a public hearing on December 14, 2015 and found the amendments consistent with applicable criteria in Florence City Code, Realization 2020 Florence Comprehensive Plan, Oregon Administrative Rules and Oregon Revised Statutes.

Based on these findings,

THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. The Florence City Code Chapters 1, 3, 4, 15, 16, 17, 20, 21, 25, 27, 28, 30, and 31 of Title 10: Zoning Regulations, are amended as shown in Exhibit B.
2. The Council declares an emergency and as such this ordinance shall take effect at a date earlier than the thirtieth day after its enactment as set out in the Florence City Charter Section 31. This ordinance shall become effective January 1, 2015.
3. The City Recorder is authorized to administratively correct any reference errors contained herein or in other provisions of the Florence City Code to the provisions added, amended, or repealed herein.

ADOPTION:

First Reading on the 14th day of December, 2015.

Second Reading on the _____ day of _____, 2015

This Ordinance is passed and adopted on the 14th day of December, 2015.

AYES Councilors
NAYS
ABSTAIN
ABSENT

Joe Henry, Mayor

Attest:

Kelli Weese, City Recorder

**CITY OF FLORENCE
PLANNING COMMISSION**

RESOLUTION PC 15 19 TA 01

A RECOMMENDATION TO THE CITY COUNCIL TO AMEND FLORENCE CITY CODE TITLE 10, CHAPTERS 1, 3, 4, 15, 16, 17, 20, 21, 25, 27, 28, 30, AND 31 CONCERNING MARIJUANA RELATED BUSINESSES.

WHEREAS, Florence City Council initiated amendments to implement marijuana related business standards via their 2015 Work Plan by motion on February 17, 2015 as required by FCC 10-1-3; and

WHEREAS, the notice was sent to the Department of Land Conservation and Development on November 9, 2015, not less than 35 days prior to the first evidentiary hearing; and

WHEREAS, City Council and Planning Commission held joint work sessions on September 9, and November 4 and 18, 2015.

WHEREAS, the Planning Commission and the City Council met in a duly noticed public hearing on December 14, 2015 as outlined in Florence City Code 10-1-3 and ORS 227.186(4), to consider the application, evidence in the record, and testimony received; and

WHEREAS, the Planning Commission determined per FCC 10-1-3, after review of the application, findings of fact, testimony and evidence in the record, that the proposal meets the criteria; and

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

The proposed code amendments to allow marijuana related businesses as shown by Exhibit "B", meets the applicable criteria in Florence City Code and the Florence Realization 2020 Comprehensive Plan. The Planning Commission recommends approval of Ordinance No. 12, Series 2015 to the Florence City Council.

ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD the 14th day of December, 2015.

CURT MUILENBURG, Chairperson
Florence Planning Commission

DATE

Exhibit A
FINDINGS OF FACT
CITY OF FLORENCE ORDINANCE 12, SERIES 2015 & RESOLUTION PC 15 19 TA 01

Public Hearing Date: December 14, 2015 **Planner:** Wendy FarleyCampbell
Date of Report: December 4, 2015
Application: CC 15 04 TA 01

I. PROPOSAL

LEGISLATIVE CODE AMENDMENTS – Zoning code text amendments to FCC Title 10, to establish locational, site design, and operational criteria for marijuana related businesses. The specific amendments are presented in the attached Exhibit B and are summarized as follows:

1. Provides definitions for related marijuana businesses;
2. Identifies zones where producing, processing, wholesaling, selling, distributing, and testing marijuana are permitted;
3. Provides manner standards in which uses can operate the businesses such as odor control measures, artificial lighting and parking;
4. Provides locational standards for recreational sales and reduces existing buffers from daycares and the library.

II. BACKGROUND

Process-- On September 9, 2015 and November 4th and 18th 2015 the City Council held joint work sessions with the Florence Planning Commission to review Oregon's legislative policies and city code amendments proposed and prepared by City staff and Speer Hoyt and Associates, legal counsel for the city. The code amendments proposed to establish locational, site design and operational criteria for medical and recreational marijuana related businesses licensed by the state. The Council and Commission reviewed the proposed code amendments requested revisions and additions. The revised proposed version of code amendments to Florence City Code Title 10 is attached as Exhibit B.

The Department of Land Conservation and Development Form 1, 35 day notice was prepared and mailed on November 9, 2015. After the 35 day notice period the Planning Commission held the first evidentiary public hearing on December 14, 2015 to make a recommendation to the City Council. Planning Commission closed the hearing, deliberated and made their recommendation to City Council. The City Council opened the second public hearing on December 14, 2015. They closed the hearing, deliberated and made a final decision on adopting amendments to the city code.

Proposal Evolution—Staff presented proposed code at the November 4th work session. Staff revised the proposed code following direction of the Council and Commission and presented it at the November 18th work session. Following the work session staff made

additional changes consistent with direction from the Council and Commission. These were then cross-checked with the state OAR and the City's land use and development codes and additional revisions were made and included in the City Council and Planning Commission December 14th packet for consideration. The revisions generally included:

1. Reduce the daycare and library buffers to 200'.
2. Add artificial lighting, odor control and camera privacy provisions.
3. Increase the locations available for marijuana testing facilities consistent with where other medical and dental laboratory uses are presently allowed.
4. Clarify that the minimum number of parking spaces required (2) does not include provision for ADA.
5. Change the Limited Industrial and Pacific View Business Park Districts to permit production/growing, processing, and wholesaling using the Administrative Review process.
6. Add caretaker facilities to the residential uses not permitted to locate within the same building as a marijuana business use.

The Findings of Fact follow in section V followed by the conclusion.

III. NOTICE AND REFERRALS

1. Notice:

Form 1, Department of Land Conservation and Development notice was emailed on November 9, 2015.

Notice was mailed to affected property owners on November 23, 2015 in accordance with ORS 227.186. (Commonly known as Ballot Measure 56 notice)

Notice was published in the December 1, 2015, December 9, 2015 editions of the Siuslaw News. As of this writing, 10 written comments had been received.

Exhibit D: Donald Drozdenko, 2397 24th St., letter via email dated November 30, 2015 stating objection to any sale or processing in Florence, and specifically within any residential area. He requests a vote of the citizens. Concerned for residential property values and thinks any facilities allowed should be located in a dedicated business area.

Exhibit E: Billy Holopoff, email dated November 25, 2015 objects to the proposal with concerns related to negative effects to the public, thinks money is driving the decision to legalize and mentions community is split on the matter.

Exhibit F: Audrey Lerman, 225 Munsel Creek Loop, email & fax dated November 25, 2015, objects to the proposal, especially permitting the uses on residential properties, is concerned with lowering property values.

Exhibit G: Jerry Jones, 600 Kingwood Land Trust, letter dated November 28, 2015, stating support of the proposed use. Thinks it will provide the economic stimulus Florence needs and will support the tax base.

Exhibit H: Bev and Leo Lok, email dated November 30, 2015 stating concern for proximity of proposed uses to children, the addition of “travelers” and the crime the uses will bring, and that money is driving the decision.

Exhibit I: Steve, email dated December 2, 2015, has concerns with odor emanating from production of marijuana. Suggests including provision for odor control and recourse if requirements are not adhered to.

Exhibit J: Joseph of Shapitka Loving Trust, Vacant Lot Tax Code #1467578, letter dated December 4, 2015, is against the proposal, specifically does not want any marijuana grown or sold, says it is “poison.”

Exhibit K: Vic Vaccaro of Heceta Properties, email dated December 4, 2015, will not permit production or distribution of marijuana on their properties due to their insurance company advising that since it is still prohibited federally that underwriters will likely deny any claims.

Exhibit L: Keith Consiglio, email dated December 4, 2015, in favor of the proposed manner provisions especially artificial lighting and outdoor grows, requests recreational sales be permitted in Old Town.

Exhibit M: Kelsey Terry, 412 Hemlock & business address of 249 Laurel, email dated December 4, 2015, requests that retail sales be permitted in Old Town citing advantages of foot traffic headed to areas outside of the buffer areas along Bay St. and the general economic advantage to the community.

2. Referrals:

On November 24, 2015 referrals were sent to Florence Building Department, Florence Police Department, Siuslaw Valley Fire & Rescue, Chamber of Commerce, Florence Urban Renewal Agency, Oregon Dept. of Agriculture, Lane County Environmental Health, Oregon Health Authority, and OLCC. As of this writing, one comment has been received:

Exhibit N: Mike Miller, Public Works, email dated November 18, stating there should not be a problem except potentially from home grows on a street with a 2 or 4 inch line and wanting 100+ gallon per minute flows. Commercial grows will be charged the based on water consumption.

Exhibit O: Central Lincoln PUD, email dated December 4, 2015, stating there should be a “will serve” process to ensure adequate energy infrastructure is available and provided for financially by the use.

IV. APPLICABLE CRITERIA

1. **Florence City Code (FCC) Title 10: Zoning Regulations**
 - Chapter 1: Zoning Administration, Section 1-3-C: Legislative Changes
 - Chapter 4: Conditional Uses, Section 12: Additional Conditions
2. **Florence Realization 2020 Comprehensive Plan**
 - Chapter 1: Citizen Involvement, Policies 4, 5, and 6
 - Chapter 2: Land Use, Policies 1, and 3, Industrial, Policy 4
 - Chapter 9: Economic Development, Policy 1
3. **Oregon Revised Statutes**
 - ORS 197.610(1)
 - ORS 227.186(4)

V. FINDINGS

The criteria are listed in bold followed by the proposed findings of fact

Florence City Code (FCC)

Title 10 Zoning Regulations, Chapter 1 Zoning Administration

10-1-3: AMENDMENTS AND CHANGES:

- A. **Purpose:** As the Comprehensive Plan for the City is periodically reviewed and revised, there will be a need for changes of the zoning district boundaries and the various regulations of this Title. Such changes or amendments shall be made in accordance with the procedures in this Section.
- C. **Legislative Changes:**
 1. **Initiation:** A legislative change in zoning district boundaries, in the text of this Title, (Title 10), Title 11, or in the Comprehensive Plan may be initiated by resolution of the Planning Commission, or by a request of the Council to the Planning Commission that proposes changes to be considered by the Commission and its recommendation returned to the Council, or by an application for an amendment by a citizen.
 2. **Notice and Public Hearing.** Such notice and hearing as prescribed by state law and the Comprehensive Plan then in effect.

Finding: The proposed amendments are legislative changes and consistent with this criterion. Notice of the public hearing was made in accordance with state laws as mentioned earlier in the report.

Title 10 Zoning Regulations, Chapter 4: Conditional Uses

10-4-12: ADDITIONAL CONDITIONS:

Finding: The conditional use chapter's purpose is to give special consideration to certain types of uses prior to being permitted in a particular district. The reasons for requiring special consideration involve, among other things, the effect such uses have on any adjoining land uses. All uses permitted conditionally are in possession of unique and special characteristics as to make impractical their being permitted outright. The authority for the location and operation of certain uses is subject to review by the Planning Commission and issuance of a conditional use permit. The purpose of review is to determine the type of uses permitted in surrounding areas and for the further purpose of stipulating such conditions as may be reasonable, so that the basic purposes of Title 10 are served. For this reason, in addition to the criteria to be considered in 10-4-10 & 11 the proposed criteria specific to marijuana related businesses are in keeping with the intent and purpose of the conditional use chapter.

Realization 2020, Florence Comprehensive Plan & Statewide Planning Goals

Chapter 1: Citizen Involvement

Citizen Involvement Goal: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Policies:

- 4. Official City meeting shall be well publicized and held at regular times. Agendas will provide the opportunity for citizen comment.**

Finding: This policy is met. The proposed code amendments are consistent with this policy because the notice of the public hearing was noticed in the paper prior to the hearing as required by state law, published in the Siuslaw News on December 1, 2015 and December 9, 2015. The City also keeps the City's website up to date on when the city meetings are held and materials for the Planning Commission and City Council meetings are posted on the website a week prior to the meeting. The agendas are also posted in City Hall.

- 5. Records of all meetings where official action is taken shall be kept at City Hall and made available on request to the public.**

Finding: The proposal for these actions is consistent with this policy because minutes of all meetings are kept at City Hall, posted on the City web site and made available on request to the public.

6. Planning documents and background data shall be available to interested citizens.

Finding: The proposal for these actions is consistent with this policy because the resolution, ordinance, findings of fact, staff report and proposed code amendments were available on December 7, 2015 seven days prior to the public hearings as well as posted on the City web site.

Chapter 2: Land Use

1. Designation and location of land uses shall be made based on an analysis of documented need for land uses of various types, physical suitability of the lands for the uses proposed, adequacy of existing or planned public facilities and the existing or planned transportation network to serve the proposed land use, and potential impacts on environmental, economic, social and energy factors.

The proposed marijuana related business use designations and proposed locational and manner opportunities originate from a change in state laws permitting the growing, producing, processing, selling, dispensing, wholesaling and testing in accordance with state law. Cities are encouraged to review and set their own development criteria consistent with their Comprehensive Plans in addition to the policies set by state law. The below review includes a general summary of analysis of proposed districts and suitable areas for marijuana related businesses within the City of Florence. It identified, reviewed and revised existing medical marijuana dispensary buffers within the context of the development pattern in the city and the individual districts.

The proposed marijuana land uses are permitted consistent with similar activities in the same zoning districts. Where manufacturing is permitted processing of marijuana is permitted. Where wholesale commercial growing (nurseries) or agriculture is permitted production of marijuana and growing of medical marijuana is permitted. Where laboratories are permitted marijuana testing facilities are permitted. Where similar retail sales are permitted recreational marijuana sales is permitted. Where wholesaling is permitted marijuana wholesaling is permitted. Marijuana dispensaries are permitted where drugstores are permitted. Additionally, indoor commercial plant growing and manufacturing are permitted on a residential lot as a home based business but they cannot have employees or conduct the business activity outdoors or generate transportation and utility demands inconsistent with a residential district. The impacts on the transportation, will be no different than other manufacturing, growing, wholesaling, retail, testing, or dispensing activities. Marijuana growing/producing activities do require more utilities than other nursery types of uses. The Public Works and Central Lincoln Public Utility District have submitted testimony. CLPUD has requested a "will serve" process to address the review of the use on energy infrastructure. This criterion is met.

3. The quality of residential, commercial and industrial areas within the City shall be assured through the enforcement of City zoning, design review, applicable conditions of development approval, parking and sign ordinances, and the enforcement of building, fire, plumbing and electrical codes.

Buffers were established during review of medical marijuana dispensaries code creation to protect the actual or perceived conflicts from differing uses. The proposed code amendments include reduction of the library and day care buffers to 200'. Additional design criteria and restrictions were also established to address the new uses and include provisions for odor control, camera privacy, and artificial lighting. All uses except marijuana uses proposed for the Limited Industrial and Pacific View Business Districts will require application for and receipt of a conditional use permit and design review. During review, conditions would be assigned to ensure the intent of the title and chapter and requirements of the various city, state, and fire safety policies are met. This criterion is met.

Industrial Policy 4. The City shall maintain lands planned and zoned for industrial uses within Industrial zones free from the encroachment of incompatible land uses such as residential, public or private schools and day care centers, active parks, or retail use as a principal use.

The zoning district regulations implement this Comprehensive Plan policy. The proposed code amendments protect the land within the Pacific View Business Park, Service Industrial and the Limited Industrial Districts by not allowing retail sales, testing, dispensaries and incompatible uses and specifically exclude them. This policy is met.

Chapter 9: Economic Development

1. The City shall encourage actions and activities that promote the availability of new employment in the community, especially family wage jobs.

By establishing policies permitting and guiding the location and manner or use the city is providing the opportunity for a new industrial and retail activity that will promote new employment opportunities in the growing, processing, wholesaling, testing and selling. By permitting marijuana related business uses within the city this policy is met.

Oregon Revised Statutes (ORS)

The section of State statute that relates to the proposed amendments is listed below with findings to address consistency with the State law.

ORS 197.610: Local Government Notice of Proposed Amendment or New Regulation; Exceptions; Report to Commission.

(1) A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation shall be forwarded to the Director of the Department of Land and Conservation and Development at least 35 days before the first evidentiary hearing on adoption. The proposal forward shall contain the text and any supplemental information that the local government believes is necessary to inform the director as to the effect of the proposal. The notice shall include the date set for the first evidentiary hearing.

Finding: The proposal is consistent with ORS 197.610(1) because notice to DLCD was sent on November 9, 2015 at least 35 days prior to the December 14, 2015 public hearing and the notice contained the information required in this statute.

ORS 227.186: Notice to Property Owners of hearing on Certain Zone change: Form of Notice; Exception; Reimbursement of Cost.

227.186(4) At least 20 days but not more than 40 days before the date of the first evidentiary hearing on an ordinance that proposes to rezone property, a city shall cause a written individual notice of a land use change to be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone.

Finding: The proposal is consistent with this statute because notice to property owners was mailed on November 23, 2015, which is at least 20 days but not more than 40 days before the date of the first hearing on the proposed ordinance amending the Florence City Code. Notice was mailed to all owners of property that the code amendments may affect.

VII. CONCLUSION

The amendments to the Florence City Code Title 10 are consistent with the applicable criteria in the Florence Realization 2020 Comprehensive Plan, Florence City Code, and Oregon Revised Statutes.

TITLE 10
CHAPTER 1

ZONING ADMINISTRATION

SECTION:

10-1-4: Definitions

10-1-4: DEFINITIONS: For the purpose of this Title, certain words, terms and phrases are defined below. Words used in the present tense include the future; the singular number includes the plural; and the word "shall" is mandatory and not directory. Whenever the term "this Title" is used herewith it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted. Definition contained in the Florence Comprehensive Plan shall also be used to define terms used in this Title of the Florence City Code, and, where conflicts exist, the terms used in this Code shall apply to the respective Code requirements. Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference.

| | |
|--|--|
| <u>MARIJUANA PROCESSING SITE</u> | <u>A location for compounding or converting of marijuana into medical products, concentrates, or extracts under the authority of the Oregon Health Authority.</u> |
| <u>MARIJUANA PROCESSOR</u> | <u>The compounding or converting of marijuana into products, concentrates, or extracts under the authority of the Oregon Liquor Control Commission.</u> |
| <u>MARIJUANA PRODUCER</u> | <u>The manufacture, planting, cultivation, growing and harvesting of marijuana under the authority of the Oregon Liquor Control Commission.</u> |
| <u>MARIJUANA RETAILER</u> | <u>A retail business licensed by the Oregon Liquor Control Commission to sell marijuana items to consumers in this state.</u> |
| <u>MARIJUANA WHOLESALER</u> | <u>The purchase of marijuana items in this state for resale to a person, other than a consumer, under the authority of the Oregon Liquor Control Commission.</u> |
| <u>MEDICAL MARIJUANA FACILITY DISPENSARY</u> | <u>A location to transfer marijuana registered with the Oregon Health Authority. Formerly or also known as a Medical Marijuana Facility. medical marijuana dispensary business required to register with the Oregon Health Authority under ORS 475.314.</u> |
| <u>MEDICAL MARIJUANA PRODUCTION</u> | <u>The manufacture, planting, cultivation, growing and harvesting of marijuana at a specific location registered by the Oregon Health Authority to produce marijuana for medical use by a specific patient. Also defined by the OHA as a "grow site."</u> |

Section 10-1-4 amended by Ord. No. 12, Series 2015 (effective 00/00/00)

TITLE 10
CHAPTER 4

CONDITIONAL USES

SECTION:

10-4-12: Additional Conditions

10-4-12: ADDITIONAL CONDITIONS: Some land uses by the nature of the activity associated with them require separate and intense consideration by the Planning Commission prior to their establishment. Such uses and additional conditions are as follows:

- I. All Medical and Recreational Marijuana Uses requiring licensing or registration by the Oregon Liquor Control Commission or the Oregon Health Authority Facilities
 1. MA medical marijuana facility dispensaries, recreational marijuana retailers, medical and recreational marijuana processing sites, recreational producers, and marijuana wholesalers are permitted conditionally except as specifically provided for in the Pacific View Business Park District and Limited Industrial District and where permitted as a home occupation. ~~Where a the licensed medical marijuana facility use is not listed among the uses permitted conditionally or outright in a particular zoning district, the medical marijuana use facility is not permitted in that zoning district.~~
 2. Prior to submitting an application for a medical marijuana facility or recreational marijuana conditionally permitted use, the applicant shall attend a pre-development meeting with Community Development staff. In addition, prior to submitting the conditional use permit, the applicant shall submit a zone verification request for the development site to determine whether the proposed development site complies with the necessary separation back requirements for a medical marijuana or recreational facilities use.
 3. MA medical -marijuana facility dispensaries and marijuana retailers must be separated from the following by a minimum of the listed distance:
 - a. 175 feet from residential zones.
 - b. 500-200' feet from public libraries.
 - c. 200 feet from public parks, except Miller Park which shall be 400 feet.
 - d. 500-200' feet from child care facilities licensed by the Oregon Department of Education (registered family child care homes, certified family child care homes, and certified child care centers).
 - e. 1,000 feet from:

- ~~1. _____ public or private elementary or secondary or career school attended primarily by minors for which attendance is compulsory under ORS 339.020.~~
- ~~1. — 2. Private or parochial elementary or secondary school, teaching children as described in ORS 339.030.~~

~~School buffers listed in “3.e.” above shall be measured in accordance with state methodologies as follows: — a straight line measurement in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising a school to the closest point of the premises of a retailer or dispensary.~~ For all other buffers, distance is measured in a straight line measurement in a radius extending for the buffered distance in every direction from any point on the boundary line of the real property comprising the buffered use to the nearest primary or accessory structure used for medical marijuana facility use. The distance limitations are based upon the uses surrounding the proposed medical marijuana facility location at the time the ~~facility’s~~ conditional use application is deemed complete.

4. All medical marijuana ~~and recreational marijuana uses facility~~ shall:
 - a. Not be a home occupation, ~~except Medical Marijuana Production and Processing and Recreational Marijuana Producers and Processors in a permanent building as discussed in “c” below.~~
 - b. Not locate in a building that also contains a dwelling ~~or caretaker facility.~~
 - c. Only locate in a permanent building and shall not locate in a temporary or movable structure, such as a ~~high tunnel, greenhouse,~~ trailer, ~~cargo container~~ or motor vehicle, ~~except as provided below in “i”.~~
 - d. Not have a drive-up window or walk-up window.
 - e. Provide exterior lighting after sunset during business hours to light the public entrance to the facility. The lighting shall be positioned so as to not negatively impact the picture quality of any video surveillance system used by the facility.
 - f. Provide overhead lighting after sunset during business hours for any on-site parking area.
 - g. Have only one public entrance and the single public entrance shall face a public street.
 - h. Not share an air circulation system with another use.
 - ~~i. Not locate in greenhouses or high tunnels except for producers and production sites that are not home occupations may use those structures in non-residential districts where the business use is permitted.~~

j. Provide effective odor control system such as by carbon filtration.

k. Not use artificial lighting after sunset and before sunrise with outdoor grow sites and production or those operating in greenhouses or high-tunnels.

l. Position security cameras in such a way as to only show the licensee's property and surrounding public right-of-way.

5. All medical marijuana ~~facility and recreational marijuana uses~~ must have a current and active registration and/or license to conduct business as a facility from the Oregon Health Authority and from the Oregon Liquor Control Commission as applicable and must have a current City business license.

6. All medical marijuana grow sites and recreational producers must provide the city a "will serve" letter or equivalent from Florence Public Works, Central Lincoln PUD and Heceta Water PUD (as applicable) prior to submission of a land use permit application or business license, whichever application is made first.

Sections: 10-4-4; 10-4-6; 10-4-7 Amended by Ord. 26, 2008

Section: 10-4-11-F: July, 2009 (housekeeping)

Section 10-4-11 amended by Ord. No. 9, Series 2009

Section 10-4-11 amended by Ord. No. 4, Series 2010 (effective 4/5/10)

Sections 10-4-3-B, 10-4-11-D-3, and 10-4-11-D-5 amended, AND Section 10-4-10-D deleted and subsequent sections renumbered by Ordinance No. 4, Series 2011 (effective 4/22/11)

Section 10-7-7 amended; sections 10-4-2 and 10-4-7-B added; and subsequent sections renumbered by Ord. No. 3, Series 2013 – See Exhibit B (effective 7-31-13)

Section 10-4-12-D-6 amended by Ord. No. 12, Series 2014 (effective 12-31-14)

Section 10-4-12-I added by Ord. No. 1, Series 2015 (effective 3-15-14)

Section 10-4-12-I amended by Ord. No. 12, Series 2015 (effective 1-1-15)

TITLE 10
CHAPTER 3

OFF-STREET PARKING AND LOADING

SECTION:

10-3-4: MINIMUM REQUIRED PARKING BY USE:

10-3-4: MINIMUM REQUIRED PARKING BY USE: During the largest shift at peak season, fractional space requirements shall be counted as the next lower whole space (rounded down). Square footages will be taken from the gross floor area (measurements taken from exterior of building). Applicants may ask the Design Review Board a reduction for parking spaces as part of their land use application. The applicant will have to provide the burden of evidence to justify the reduction proposed. The Design Review Board and/or staff may require the information be prepared by a registered traffic engineer. Table 10-3-1 lists the minimum parking spaces required by use, with a minimum no less than two (2) spaces, plus additional space(s) as needed to meet the minimum accessible parking requirement.

Amended by Ordinance No. 15, Series 1988

Amended by Ordinance No. 12, Series 1994

Amended by Ordinance No. 19, Series 1994

Amended by Ordinance No. 14, Series 1995

Amended by Ordinance No. 2, Series 2000

Section 10-3-8 amended by Ordinance No. 9, Series 2009

Sections 10-3-4-C, and 10-3-11-F amended by Ordinance No. 4, Series 2011 effective 4-22-11

Section 10-3-2-I added, and Section 10-3-9 amended by Ordinance No. 18, Series 2011 effective 9-16-11

Section 10-3-3 and 10-3-10 amended by Ordinance No. 5, Series 2012 effective 1-16-13

Section 10-3-8 and 10-3-9 amended by Ordinance No. 3, Series 2013 effective 7-31-13

Section 10-3-8-G and 10-3-10-F amended by Ord. No. 12, Series 2014, effective 12-31-14

Section 10-3-4 amended by Ord. No. 12, Series 2015, effective 1-1-15

TITLE 10

CHAPTER 15

COMMERCIAL DISTRICT (C)

SECTION:

10-15-3: Buildings and Uses Permitted Conditionally

10-15-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

Medical Marijuana ~~Facilities~~ Dispensaries (Ord. 1, 2015, 3-17-15)

Marijuana Retailers

Marijuana testing facilities licensed by the Oregon Liquor Control Commission or accredited by Oregon Health Authority.

Amended by Ordinance No. 15, Series 1988

Section 10-15-5 D, E - Amended by Ordinance No. 26, Series 2008

Sections 10-15-4 and 10-15-5 Amended by Ordinance No. 9, Series 2009

Section 10-15-5-H added by Ordinance No. 2, Series 2011

Section 10-15-5 amended by Ordinance No. 4, Series 2011 (effective 4/22/11)

Section 10-15-2 and 10-15-3 amended by Ordinance No. 3, Series 2013, See Exhibit B (effective 7-31-13)

Section 10-15-5-I added by Ord. No. 12, Series 2014 (effective 12/31/14)

Section 10-15-3 amended by Ord. No. 1, Series 2015 (effective 3/17/15)

Section 10-15-3 amended by Ord. No. X, Series 2015 (effective 00/00/00)

TITLE 10
CHAPTER 16

HIGHWAY DISTRICT (H)

SECTION:

- 10-16-2: Permitted Buildings and Uses
10-16-3: Buildings and Uses Permitted Conditionally

10-16-2: PERMITTED BUILDINGS AND USES: The following uses shall be permitted only upon affirmative findings by the Planning Commission that the proposed use meets the general criteria in Section 10-16-4 herein.

- A. All uses permitted outright or conditionally in the Commercial District, except single-family dwellings, public buildings and facilities, medical marijuana dispensaries, marijuana retailers, marijuana testing facilities, and single-family residential PUD's.

10-16-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The following uses shall be permitted only upon affirmative findings by the Planning Commission that the proposed use meets the general criteria in Section 10-16-4 herein, with conditions to be required by the Planning Commission through the provisions of Chapter 4 of this Title.

- F. Medical Marijuana FacilitiesDispensaries. (Ord. 1, 2015, 3-17-15)

G. Marijuana Retailers.

H. Medical and Recreational Marijuana Production, Processing, or Wholesaling.

I. Marijuana testing facilities licensed by the Oregon Liquor Control Commission or accredited by Oregon Health Authority.

Amended by Ordinance No. 15 Series 1988

Section 10-16-7, F, G, L - Amended by Ordinance No. 26, Series 2008

Sections 10-16-5 and 10-16-7 Amended by Ord. No. 9, Series 2009

Section 10-16-7-N added by Ord. No. 2, Series 2011

Section 10-16-5-F, 10-16-7-F amended by Ord. No. 4, Series 2011 (effective 4/22/11)

Section 10-16-2-D added by Ordinance No. 3, Series 2013 (effective 7-31-13)

Section 10-16-5-D and 10-16-7-O amended by Ord. No. 12, Series 2014 (effective 12-31-14)

Section 10-16-3 amended by Ord. 1, Series 2015 (effective 3-17-15)

Section 10-16-2 and 10-16-3 amended by Ord. No. X, Series 2015 (effective 00/00/00)

**TITLE 10
CHAPTER 17**

OLD TOWN DISTRICT

- 10-17A-2 Land Uses for Area A
- 10-17B-2 Land Uses for Area B
- 10-17C-2 Land Uses for Area C

10-17A-2 LAND USES FOR AREA A: The following establishes permitted, conditional, and prohibited uses for the Old Town District Area A:

- C. Prohibited Uses:** Uses that are administratively determined to have impact similar to or greater than a Prohibited use listed below are prohibited in this Area. The following uses are specifically Prohibited:

- [Medical Marijuana Dispensaries](#)
 - [Marijuana Retailers](#)
 - [Medical and Recreational Marijuana Production, Processing, or Wholesale](#)

10-17B-2 LAND USES FOR AREA B: The following establishes permitted, conditional, and prohibited uses for the Old Town District Area B:

- C. Prohibited Uses:** Uses that are administratively determined to have impact similar to or greater than a Prohibited use listed below is prohibited in this area. The following uses are specifically prohibited:

- [Medical Marijuana Dispensaries](#)
 - [Marijuana Retailers](#)
 - [Medical and Recreational Marijuana Production, Processing, or Wholesale](#)

10-17C-2 LAND USES FOR AREA C: The following establishes permitted, conditional, and Prohibited uses for the Old Town District Area C:

- C. Prohibited Uses:** Uses that are administratively determined to have impact similar to or greater than Prohibited uses listed below are prohibited. The following uses are specifically prohibited:

- [Medical Marijuana Dispensaries](#)
 - [Marijuana Retailers](#)
 - [Medical and Recreational Marijuana Production, Processing, or Wholesale](#)

[Sections 10-17A-2-C, 10-17B-2-C, and 10-17C-2-C amended by Ord. No. X, Series 2015 – effective 00/00](#)

TITLE 10
CHAPTER 20

LIMITED INDUSTRIAL DISTRICT (LI)

SECTION:

10-20-2: Permitted Buildings and Uses

10-20-2: PERMITTED BUILDINGS AND USES: For the purpose of this Title, terms are defined in Title 10 Chapter 1 Section 5, "Land Use Category Definitions". If any permitted building or use has the potential to be hazardous, obnoxious, offensive or unsightly by reason of emission of odor, sound, vibration, radioactivity, electrical interference, flare, liquid or solid wastes, smoke or other air pollutants, said buildings or uses shall be required to obtain a conditional use permit issued by the Planning Commission subject to the procedures and conditions in Chapter 4 of this Title.

Medical and recreational marijuana production, wholesaling, processing, and testing facilities licensed by the Oregon Liquor Control Commission or accredited by Oregon Health Authority; subject to the criteria listed in FCC 10-4-12-I.

Amended by Ordinance No. 15, Series 1988

Section 10-20-5, D, E - Amended by Ordinance No. 26, Series 2008

Sections 10-20-4 and 10-20-5 Amended by Ord. No. 9, Series 2009

Sections 10-20-2, 10-20-3, 10-20-4, and 10-20-5 amended by Ord. 4, Series 2010 (effective 4/5/10)

Sections 10-20-5-F amended by Ord. 4, Series 2011 (effective 4/22/11)

Section 10-20-5-L amended by Ord. No. 12, Series 2014 (effective 12/31/14)

Section 10-20-3 amended by Ord. No. X, Series 2015 (effective 00/00/00)

TITLE 10
CHAPTER 21

PUBLIC USE AIRPORT ZONE

SECTION:

10-21-1-8: Uses Permitted Conditionally

10-21-1-8: **USES PERMITTED CONDITIONALLY:** The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

A. Recreational and Medical Marijuana production, processing, and wholesaling.

Established by Ordinance No. 18, and 19, Series 2003

Sections 10-21-1-5 to 7, 10-21-2-2 to 7 amended by Ordinance No. 5, Series 2012 – effective 1-16-13

Section 10-21-2-7-B amended by Ord. No. 12, Series 2014 – effective 12-31-14

Section 10-21-1-8 amended by Ord. No. X, Series 2015 (effective 00/00/00)

TITLE 10
CHAPTER 25

PROFESSIONAL OFFICE/INSTITUTIONAL ZONING DISTRICT

SECTION:

- 10-25-2: Permitted Buildings and Uses
10-25-3: Buildings and Uses Permitted Conditionally

10-25-2: PERMITTED BUILDINGS AND USES: The following buildings and uses shall be permitted subject to the procedures and conditions set forth in Chapter 6 (Design Review) of this Title:

14. [Marijuana Testing Facilities licensed by Oregon Liquor Control Commission or accredited by the Oregon Health Authority and subject to the Conditional Use criteria in FCC 10-4-12-I.](#)

10-25-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapters 4 and 5 of this Title may grant a conditional use permit for the following uses, provided that they are proposed in conjunction with an upper level residential apartment or condominium permitted under Section 10-25-2, accessory residential uses, which is not less than fifty percent (50%) of the total gross floor area of the building, or, as part of a commercial planned unit development:

The following uses may be permitted, subject to the procedures and conditions set forth in Chapters 4 and 5 in this Title, and are not required to contain a residential component:

6. Medical Marijuana ~~Facility~~ Dispensaries

Ordinance No. 15, Series 1999, Effective 9-16-99

Sections 10-25-4 and 10-25-5 amended by Ord. No. 9, Series 2009

Section 10-25-4-H amended by Ord. No. 4, Series 2011 (effective 4/22/11)

Sections 10-25-2, 10-25-3, and 10-25-5 amended by Ordinance No. 3, 2013, see Exhibit B, (effective 7-31-13)

Section 10-25-4-L amended by Ord. No. 12, Series 2014 – effective 12-31-14

Section 10-25-3 amended by Ord. No. 1, Series 2015 – effective 3-17-15

Sections 10-25-2-3 and 10-25-2-6 amended by Ord. No. X, Series 2015 – effective 00/00/00

Title 10
Chapter 27

MAINSTREET DISTRICT

SECTION

10-27-3 Buildings and Uses Permitted Conditionally

10-27-3 BUILDINGS AND USES PERMITTED CONDITIONALLY

The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

- m. Medical Marijuana ~~Facility~~ Dispensaries
- n. Marijuana Retailers
- o. Marijuana testing facilities licensed by the Oregon Liquor Control Commission or accredited by Oregon Health Authority.

Amended by Ordinance No. 5, Series 2003, effective April 17, 2003

Section 10-27-5, E - Amended by Ordinance No. 26, Series 2008

Section 10-27-5 C 2- Amended by Ordinance No. 14, Series 2009 (effective Oct 15, 2009)

Sections 10-27-4 and 10-27-5 Amended by Ordinance No. 9, Series 2009

Section 10-27-5-F amended by Ordinance No. 4, Series 2011 (effective April 22, 2011)

Sections 10-27-25, 10-27-3, 10-27-4, and 10-27-5 amended by Ord. No. 3, Series 2013 (effective 7-31-13)

Section 10-27-5-G-3 amended by Ord. No. 12, Series 2014 (effective 12-31-14)

Section 10-27-3 amended by Ord. No. 1, Series 2015 (effective 3-17-15)

Section 10-27-3 amended by Ord. No. X, Series 2015 (effective 00/00/00)

TITLE 10
CHAPTER 28

PACIFIC VIEW BUSINESS PARK DISTRICT

SECTION

10-28-2: Permitted Buildings and Uses:

10-28-2: PERMITTED BUILDINGS AND USES:

For the purpose of this Title terms are defined in Title 10 Chapter 1 Section 5, "Land Use Category Definitions." If any permitted building or use has the potential to be hazardous, obnoxious, offensive or unsightly by reason of emission of odor, sound, vibration, radioactivity, electrical interference, flare, liquid or solid wastes, smoke or other air pollutants, said buildings or uses shall be required to obtain a conditional use permit issued by the Planning Commission subject to the procedures and conditions in Chapter 4 of this Title.

Industrial Uses:

[Medical and recreational marijuana, production, wholesaling, processing, and testing facilities licensed by the Oregon Liquor Control Commission or accredited by Oregon Health Authority; subject to the criteria listed in FCC 10-4-12-I.](#)

Adopted by Ordinance No. 6, 2003, effective April 17, 2003

Section 10-28-5, H, Amended by Ordinance 26, 2008

Section 10-28-5 Amended by Ordinance No. 9, Series 2009

Sections 10-28-1 through 10-28-5 amended by Ord. 4, Series 2010 (effective 4/5/10)

Sections 10-28-2, 10-28-5-L amended by Ord. 4, Series 2011 (effective 4/22/11)

Section 10-28-5-J amended by Ord. No. 12, Series 2014 (effective 12/31/14)

[Section 10-28-3 amended by Ord. No. X, Series 2015 \(effective 00/00/00\)](#)

TITLE 10
CHAPTER 30

NORTH COMMERCIAL DISTRICT

SECTION

10-30-3 Buildings and Uses Permitted Conditionally

10-30-3: BUILDINGS AND USES PERMITTED CONDITIONALLY

The Planning Commission, subject to the procedures and conditions set forth in Chapters 4 and 6 of this Title, may grant a conditional use permit for the following:

Medical Marijuana ~~Facilities~~Dispensaries

Marijuana Retailers

Marijuana testing facilities licensed by the Oregon Liquor Control Commission or accredited by Oregon Health Authority.

TITLE 10

CHAPTER 31

SERVICE INDUSTRIAL DISTRICT

SECTION:

10-31-3: Buildings and Uses Permitted Conditionally

10-31-3: Building and Uses Permitted Conditionally:

- 6. Manufacturing, including medical marijuana processing sites and recreational marijuana processors
- 10. Medical Marijuana production sites and marijuana producers

Ordinance No. 12, Series 2003, effective August 7, 2003

Sections 10-31-4 and 10-31-5 amended by Ord. No. 9, Series 2009

Section 10-31-7 amended by Ord. No. 4, Series 2011 – effective 4/22/11

Section 10-31-2 amended by Ord. No. 3, Series 2013 – effective 7-31-13

Section 10-31-5-4 amended by Ord. No. 12, Series 2014 – effective 12-31-14

Section 10-31-3 amended by Ord. No. X, Series 2015 – effective 00/00/00

| ZONING DISTRICTS | AS PROPOSED--WHERE CAN SOMEONE? | | | | | |
|------------------------------|--|---|------------------------------|--------------------|--------------------|------------------|
| | GROW MARIJUANA PLANTS | MANUFACTURE MARIJUANA PRODUCTS | WHOLESALE MARIJUANA PRODUCTS | RECREATIONAL SALES | MEDICAL DISPENSARY | TEST MARIJUANA |
| RESIDENTIAL DISTRICTS | | | | | | |
| Single Family | Home Occupation ¹ Agriculture ² | Home Occupation Only ¹ | No | No | No | No |
| Restricted Residential | Home Occupation Only ¹ | Home Occupation Only ¹ | No | No | No | No |
| Manufactured Home | Home Occupation ¹ Agriculture ² | Home Occupation Only ¹ | No | No | No | No |
| Multi-Family | Home Occupation Only ¹ | Home Occupation Only ¹ | No | No | No | No |
| COMMERCIAL DISTRICTS | | | | | | |
| Old Town | Home Occupation Only ¹ | Home Occupation Only ¹ | No | No | No | No |
| Mainstreet | Home Occupation Only ¹ | Home Occupation Only ¹ | No | Yes ⁵ | Yes ⁵ | Yes ⁴ |
| Commercial | Home Occupation Only ¹ | Home Occupation Only ¹ | No | Yes ⁵ | Yes ⁵ | Yes ⁴ |
| Highway | Home Occupation ¹ & Business ³ | Home Occupation ¹ & Business ⁴ | Yes ⁴ | Yes ⁵ | Yes ⁵ | Yes ⁴ |
| North Commercial | No | No | No | Yes ⁵ | Yes ⁵ | Yes ⁴ |
| INDUSTRIAL DISTRICTS | | | | | | |
| Limited Industrial | Yes ³ | Yes ⁴ | Yes ⁴ | No | No | Yes ⁴ |
| Pacific View Business | Yes ³ | Yes ⁴ | Yes ⁴ | No | No | Yes ⁴ |
| Service Industrial | Yes ³ | Yes ⁴ | No | No | No | No |
| OTHER | | | | | | |
| Professional Office | No | No | No | No | Yes ⁵ | Yes ⁴ |
| Airport District | Yes ³ | Yes ⁴ | Yes ⁴ | No | No | No |

¹Grow & Manufacture as a Home Occupation: Only where indicated above, No employees, indoors only, building limited to allowable lot coverage, odor control, Grow- no greenhouse or high tunnels, no grow inside the dwelling structure

²Agriculture: Only where stated above, employees, no dwelling, indoors only, no greenhouse or high tunnel, limited to allowable lot coverage, odor ctrl.

³Grow Businesses: Employees, indoor & outdoor, greenhouses & high tunnels ok, no attached caretaker facility, odor control, no artificial lighting sunset to sunrise for outdoor, greenhouse or high tunnel grows, no shared HVAC.

⁴Manufacture, Wholesale, Testing Businesses: Employees, indoors only, no attached caretaker facility, odor control, no shared HVAC

⁵Recreational Sales & Medical Dispensaries: Buffers-200' daycare, 200' library, 175' residential zones, 200' parks, 400' Miller Park, no attached residential, odor control, no shared HVAC

Florence Planning Department
Florence Planning Commission
Florence City Council
Florence City Manager
City of Florence
250 Highway 101
Florence, OR 97439

REF: Proposed Land Use Regulation
Ordinance No. 12, Series 2015
Title 10, Zoning Administration

Dear Officials of Florence Planning and the City Council,

I am responding to the notice of public hearing on December 14, 2015 concerning the permissible uses of our properties, specifically with respect to marijuana use, medical and “recreational”. I was able to download Title 10 of the Florence City Code, Zoning Administration with the proposed redlined amendments.

I must admit that I am walking into new territory because I am not that familiar with marijuana, not being a marijuana user. I had just returned from contact work in Minnesota last December, after the first marijuana ordinance was being established (I believe for medical purposes). What I hope to avoid is a Stillwater type scandal where the Planning Commission, Planning Department and City Council all lost the confidence of the citizens of Florence (at least that’s my perception). That lack of confidence led to a recall vote of Mayor Brubaker. Mayor Brubaker avoided being recalled but it was not by a landslide. And we still have buildings blocking our former beautiful view of the Siuslaw River.

I oppose any effort to allow marijuana sales and processing in Florence. Although recreational marijuana use passed in Oregon, there are still unintended and undesirable consequences. I know that many businesses will require a drug test for employment, especially mine. If marijuana is found in a blood test, that person is disqualified from being hired, or terminated. Marijuana use is perceived as impairing a person’s judgement and motor functions. It’s a drug that will cause a direct drain on our economy and quality of life in Florence.

If any kind of personal marijuana processing is allowed in a home on any residential street, then the property values will definitely decrease. No matter what limitations you state in the ordinance, there will be those who will abuse the ordinance, invite undesirable activity and people (the kind you don’t want your children to know or associate with). If you want to encourage new businesses to establish operations in Florence, it will be difficult if you have a permissive ordinance as described in Ordinance 12 of Title 10 Zoning Administration. The residents of Florence should make the decisions whether they want to have marijuana processing or not in their residential streets, by a vote.

I wish that the City Council would have taken proper action in the first place and chose not to allow marijuana sales and processing in the City of Florence, like many other Oregon cities and towns have already done. At least you should have put it up to a vote of the citizens. Perhaps that’s not too late for this proposed Ordinance 12, 2015

I was going to comment line by line on the proposed changes of Ordinance 12, but I don't want to lend defacto credence to the existing ordinance. In general, recreational marijuana should be separated from medical marijuana. Don't lump the two together. Recreational marijuana should not be permitted in Florence residential areas.

Please consider my comments and recommendations strongly. If you wish to discuss any of my letter with me, I would prefer to have a dialogue face to face. No email or phone conversations.

Respectfully submitted,

Donald. K. Drozdenko
2397 24th Street
Florence, Oregon
97439
Email: ddroz2@gmail.com
Phone: 541-902-5325

Glen Southerland

From: Don Drozdenko <ddroz2@gmail.com>
Sent: Monday, November 30, 2015 6:30 PM
To: Glen Southerland; Kelli Weese; Erin Reynolds; Joe Henry; Joshua Greene; Ron Preisler; George Lyddon; Susy Lacer; Wendy Farley-Campbell
Subject: Response to the proposed Ordinance 12, Series 2015
Attachments: Marijuana response Nov 2015.docx

Dear Officials of Florence Planning and the City Council,,

Attached please find my response to the proposed Ordinance 12 concerning marijuana use.

I am not sure that everyone concerned is copied, so please forward it on to the appropriate folks that I may have missed.

If you can't open the attachment, please let me know and I'll get you another electronic copy or hard copy.

I hope that other Florence residents feel the same way as I do. I know that there is already one letter to the editor posted in the Siuslaw News with the same opinions.

Regards,

Don Drozdenko
2397 24th Street
Florence, Oregon
97439
ddroz2@gmail.com
Phone: 541-902-5325

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

Glen Southerland

From: Billy Holopoff <krusty9@msn.com>
Sent: Wednesday, November 25, 2015 9:43 AM
To: Glen Southerland
Subject: ORS 197.610.227.186

Why is this even being considered?

This situation is out of control and insane.

The community is split on this and it will cause a few problems that some will not be able to handle rationally.

Have seen what other states, who have legalized pot, are up against today with a lot of negative effects to the public.

But I guess that doesn't matter since the dollar is the main subject of any decision to legalize pot and it's uses.

But I guess we the people don't really know what is good for us.

I figure that if this gets passed and implemented then a few lawsuits will be in order. Just saying.

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Glen Southerland

From: Mike Miller
Sent: Wednesday, November 25, 2015 11:39 AM
To: Wendy Farley-Campbell; Glen Southerland
Cc: Erin Reynolds
Subject: FW: Marijuana Proposal

Hi Wendy and Glen,

Just wanted to pass this email along to you. I will give Ms. Lerman a call that we have received her email and that her comments would be submitted in the record.

Thank you,

Mike

From: ba.lerman@gmail.com [mailto:ba.lerman@gmail.com]
Sent: Wednesday, November 25, 2015 11:04 AM
To: Mike Miller <mike.miller@ci.florence.or.us>
Subject: FW: Marijuana Proposal

Mike Miller:

As per the below automatic email from Erin Reynolds, I am forwarding my inquiry to you. My name and phone number is at the bottom of my email. Thank you.

I am currently out of the office for the Thanksgiving Holiday with limited access to emails. I will return Monday, November 30th. If you need immediate assistance, please contact Mike Miller at Mike.miller@ci.florence.or.us or call 541-997-3437. Happy Thanksgiving!

Erin Reynolds
City Manager
City of Florence
(541) 619-0450

From: ba.lerman@gmail.com [mailto:ba.lerman@gmail.com]
Sent: Wednesday, November 25, 2015 10:56 AM
To: erin.reynolds@ci.florence.or.us
Cc: joe.henry@ci.florence.or.us
Subject: Marijuana Proposal

Erin Reynolds & Mayor Joe Henry:

First of all, I would like to thank you for your participation in the Florentine Estates Monthly Coffee Social. I found it to be informative and enlightening.

I received the post card yesterday for the meeting on December 14, 2015 @ 7 p.m. at the Florence Events Center. I do plan on being there.

I am struggling with the idea which proposes to add and modify definitions and establish the permitted location and use provisions for marijuana production, processing, wholesaling, testing, dispensing and sales facilities. There are already three (3) facilities for marijuana (on Highway 101, on Rhododendron Drive, and on Bay Street). I really do not think we need another facility like that.

There is a great deal of vacant land OUTSIDE of the City Limits and I do not believe it would be appropriate to rezone City of Florence land, existing buildings, etc. within the City Limits and especially the residential properties, including rental properties which house: apartments, condos, camping facilities, mobile home parks, shopping facilities, restaurants, recreational facilities, etc. For the property owners of their homes, having the proposed facilities which would definitely lower our property values.

I would like to know where the proposed site is located, please.

Unfortunately, calling the City of Florence is a waste of time. I have called previously only to NEVER receive a call back from anyone. I did call first thing this morning and of course, no one cared enough to call me back.

Sincerely,

Audrey G. Lerman
225 Munsel Creek Loop
Florence, OR 97439-9278
541-997-7611
Email: ba.lerman@gmail.com

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| | |
|--|--|
| <p>FAX MESSAGE AUDREY G. LERMAN 225 MUNSEL CREEK LOOP FLORENCE, OR 97439-9278, USA (541) 997-7611 (Home Phone & Fax)</p> | <p>RECEIVED City of Florence NOV 25 2015 By: <u>VM</u></p> |
|--|--|

TO: GLEN SOUTHERLAND
FAX#: 541-997-4109
FROM: AUDREY G. LERMAN
RE: MARIJUANA –ORDINANCE NO. 12, SERIES 2015
DATE: November 25, 2015 @ approximately 10:30 a.m.
MESSAGE:

Dear Mr. Southerland:

I am very concerned about the proposed City Ordinance which proposes to add and modify definitions and establish the permitted location and use provisions for marijuana production, processing, wholesaling, testing, dispensing and sales facilities. I would not want this to happen within the City Limits of Florence, especially in the residential areas of Florence, near to schools and parks.

I would like to know the location someone is proposing for this activity. I have called the City a couple of times and they NEVER call me back.

Thank you for all your help.

Audrey G. Lerman



Number of Pages (including this cover sheet): One (1) Pages. If you do not receive all of these pages, call me at (541) 997-7611 immediately.

.....

**** CONFIDENTIALITY ****

The documents accompanying this fax transmittal contain information belonging to Audrey G. Lerman, which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named above. If you have received this document in error, please immediately notify me by telephone and destroy the documents received. Thank you for your attention to this request.

Glen Southerland

From: Jerry A Jones <sequoiaind@gmail.com>
Sent: Saturday, November 28, 2015 3:44 PM
To: Glen Southerland
Subject: Ordinance No 12 Series 2015

I am in favor of this new permissible use.

I own property in the affected area and have for years.

SOMETHING has to break loose to bring back industry to this area/town.

Florence is dead and needs some kind of stimulus. If not here, it'll go somewhere else to affect a neighboring city's dying tax base.

Jerry A. Jones
600 Kingwood Land Trust

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Glen Southerland

From: Bal PG <balpg@hotmail.com>
Sent: Monday, November 30, 2015 4:58 PM
To: Glen Southerland
Subject: public hearing

What the hell is this city thinking? Regarding marijuana changes within the city. This is wrong on many levels, most important being the children of the city. We already have a marijuana store the kids walk by regularly now.

Why expose them more? Everyone I speak with agrees it is about the money.

City claims it is trying to bring in new business, does the city think this will help? Florence advertises itself as a peaceful small, close knit community. Changing will not help our image.

Florence has welcomed so called "travelers" by giving them so many benefits. Now our crime is up. Have verified with police they are responsible for a lot of this increase in crime. Eugene has such a problem with travelers, the mayor has now asked for help from the governor, Florence should take note before we have the same image issues.

So now lets make matters worse. Think long and hard before it is too late. The above are two issues that seemingly appear different, but both issues are hurting our town and the taxpayers who support this town.

DON'T MAKE A DECISION WE WILL ALL REGRET.

Bev and Leo Lok

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Glen Southerland

From: CenturyLink Customer <sdna@q.com>
Sent: Wednesday, December 02, 2015 11:02 AM
To: Glen Southerland
Subject: Ordinance No.12 Series 2015

Hello Glen,

I'm writing as a concerned citizen of Florence in regards to the proposed ordinance No. 12 Series 2015. The concern which I would like to have addressed, is the odor that emanates from the production of marijuana. There was a grow house about a half block from my residence and the putrid, obnoxious, skunk smell from even that distance made me **noxious** whenever I spent time outside. I suggest some form of amendment that will address requirements for odor control and potential recourse if the requirements aren't adhered to.

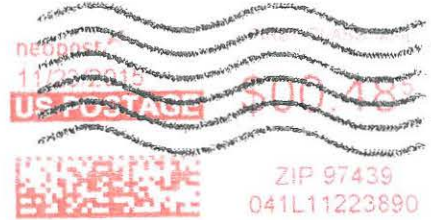
Thank you for your consideration,

Steve

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EUGENE OR 974

23 NOV 2015 PM 2-T



City of Florence
250 Highway 101
Florence, OR 97439

ZIP 97439
041L11223890

*I own a vacant Lot - Code 97700
Account # 1467578*

*I do not want any Marijuana to be grown
or sales. As later on it will get out
of hand. That's the
Fight is on.*

SHAPITKA LOVING TRUST
424 TERRA LINDA AVE
EUGENE OREGON 97404
UNITED STATES

Joseph

97404\$1781



This is to notify you that the City of Florence has proposed a land use regulation that may affect the permissible uses of your property and other properties.

NOTICE OF PUBLIC HEARING

On **December 14, 2015**, the Florence City Council and Planning Commission will hold a joint public hearing at **7:00 p.m.** in the **Florence Events Center**, 715 Quince Street, Florence, Oregon, regarding the adoption of Ordinance No. 12, Series 2015. The City of Florence has determined that adoption of this ordinance may affect the permissible uses of your property and other properties in the affected zone, and may change the value of your property.

Ordinance No. 12, Series 2015 proposes to add and modify definitions and establish the permitted buildings and use provisions for marijuana production, processing, wholesaling, and sales facilities. The specific amendments are filed under CC 15 04 TA 01, and are posted on the City of Florence web site at ci.florence.or.us

The approval criteria used to evaluate this POISON matter are found in the items listed below:

ORS: 197.610, 227.186

Statewide Planning Goals: 1-Citizen Involvement, 2-Land Use, 9-Economic Development (OAR 660-015-000)

FCC: Title 10, Chapter 1 Section 3-C

Comprehensive Plan: Chapter 1 Citizen Involvement; Chapter 2 Land Use; Chapter 9 Economic Development

Written testimony may be submitted to the Planning Department by mail, in person, or email at the addresses to the right. Please include a mailing address. Ordinance No. 12, applicable criteria, and other related materials are available for inspection at Florence City Hall located at 250 Highway 101, Florence.

A copy of the staff report will be available for inspection 7 days prior to the hearing and will be available for purchase at a cost of \$0.20/page. For additional information concerning Ordinance No. 12, you may call the Florence Planning Department at (541) 997-8237 or see the contact information to the right.

Failure to raise an issue in person or letter with sufficient specificity to afford the decision-maker an opportunity to respond precludes appeal to the Land Use Board of Appeals based on that issue. The meeting location is wheelchair accessible. Anyone requiring special accommodations please call (541) 997-8237 at least 48 hours prior to the hearing

For more information:

Contact:

Florence Planning Department

Phone:

(541) 997-8237

Email:

glen.southerland@ci.florence.or.us



City of Florence
250 Highway 101
Florence, OR 97439

ci.florence.or.us

Glen Southerland

From: Vic V <vandrvaccaro@gmail.com>
Sent: Friday, December 04, 2015 11:05 AM
To: Glen Southerland
Subject: Ordinance #12, series 2015

We, Heceta Properties, LLC, have had several inquiries from prospective tenants about renting space for marijuana production/distribution. We contacted our insurance providers about the effect a marijuana facility would have on our liability package. Our insurers have said that, while no longer a state offense, marijuana production continues to be a federal offense. If there is a liability claim on the subject property there is a very good chance that the underwriters for our policy would deny the claim.

For this reason, and other issues regarding the easy access to drugs in our community, we would not allow the production/distribution of marijuana in any of our properties.

Regards,

Victor L Vaccaro
Heceta Properties, LLC

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For more information please visit <http://www.symanteccloud.com>

Glen Southerland

From: Keith Consiglio <keith66044@hotmail.com>
Sent: Friday, December 04, 2015 8:27 AM
To: Glen Southerland
Subject: Recreational marijuana

Hello,

My name is Keith consiglio and I wanted to comment on the proposed rules and regulations for recreational marijuana in Florence.

I have also been involved with lane county's proposed rules and have made suggestions for marijuana land use in the county.

After reading the city of Florence's proposed rules I'm impressed with the thought that has gone into crafting rules that will allow economic growth, yet will also minimize disturbances with neighbors. A big problem in other parts of the country with legal marijuana has been artificial illumination in greenhouses disturbing neighbors so I was glad to see Florence address this issue.

I think banning outdoor growing is probably a smart move because it's much easier to control odors and security from an indoor garden.

One change I would suggest making would be allowing retail sales in the old town district. After studying the zoning map of Florence and accounting for the reasonable setbacks you have around parks, schools, and various other setbacks it leaves very little available space for a recreational marijuana dispensary.

If you take into account the 1000' buffer the state requires around the existing dispensary in Florence you are left with almost no available options.

Allowing dispensaries in the old town district would still keep them off of Bay Street because of the park and bridge setbacks.

I think Florence could really benefit economically from being a marijuana friendly destination, and attracting business that can help create decent paying jobs is something Florence could really use.

So all in all I approve of the draft, I would just suggest allowing retail sales in the old town district.

Thanks
Keith

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Glen Southerland

From: kelsey terry <kmterry1013@gmail.com>
Sent: Friday, December 04, 2015 8:39 AM
To: Wendy Farley-Campbell
Cc: Glen Southerland
Subject: Re: homegrown

Hello my name is Kelsey Terry I live at 412 hemlock in Florence OR and have a business at 249 laurel street in Florence. I have been a florence resident nearly 30 years. I would like to voice my opinion on an outright ban on recreational cannabis sale in the Old Town district.

The setbacks that will be in place from parks and the bridge make bay street off limits already so the addition of the Old Town ban will be affecting "Old Town" that is off the main drag of bay street. I have a business in this area and I believe strongly that I would benefit from the addition of a recreational cannabis dispensary in my neighborhood because of increased foot traffic from cannabis tourism. Cannabis users are not the poor disheveled transients portrayed in reefer madness. They have money and expensive taste in abundance.

Misinformation and fear cannot be the driving force behind policy that directly affects our ability to grow economically. There is talk of 'questionable people' loitering around dispensaries, I've been to at least a dozen dispensaries in Oregon over the last year and can tell you this thinking is presumptive, ageist and just plain wrong. The fact is cities that embrace recreational cannabis are booming and their property values are going up. Legal marijuana is on track to be a one billion dollar industry in the US this year. I also ask you to look at the current dispensary in Florence. Has their been a negative impact on the community? Are more nefarious people hanging around that corner waiting to harm the citizens of Florence? It doesn't seem so. If the City counsels goal is to attract a demographic of young adults particularly that have not had children yet then the City of Florence has to decide to be a place someone my age would want to live.

The recreational dispensary ban in Old Town effectively bans all new cannabis retail business in city limits, making us miss the train to benefiting from the huge economic stimulus that is recreational marijuana.

Thank you for your time.

Exhibit N

From: [Mike Miller](#)
To: [Wendy Farley-Campbell](#)
Cc: [Kelli Weese](#)
Subject: Re: MJ code amendments
Date: Wednesday, November 18, 2015 10:26:38 AM

Hey Wendy,

Just like any project we would like to know the water consumption potential. For the home grown locations (residential) I really don't see a problem unless it is located on a street that has say a 4-inch or 2-inch line and they are wanting 100+ gpm flows. If it is a typical home with a 3/4 or 1-inch meter (and the existing plumbing is that for the home) they can only get 25 gpm. We would have plenty of water, plus with the conservation water rates there would be an incentive to conserve. If they go down the commercial path, we still win since they will be charged sewer based on water consumption. They could install a separate irrigation meter, but there would be installation fees etc.

So, it shouldn't be a problem.

Mike

Sent from my iPad

Glen Southerland

From: Delle, Troy <TDelle@cencoast.com>
Sent: Friday, December 04, 2015 4:55 PM
To: Glen Southerland
Subject: Ordinance No. 12, Series2015; CC 15 04 TA 01 – Recreational Marijuana Text Amendments
Attachments: Scanned from a Xerox multifunction device.pdf

Greg,

CLPUD's concern with any new load is the provision of adequate electrical power for each new facilities need. Marijuana production (growing) operations require a significant amount of power which could overload existing electrical equipment and affect existing customers. CLPUD currently requires all new commercial customers submit a Load Data Sheet to ensure we have adequate facilities to serve them before the service is connected. It would be beneficial to know even earlier in the planning process.

CLPUD would like to request that the City of Florence's permitting process require all applicants to contact CLPUD to determine if we have adequate facilities to serve the new load. We will provide a copy of our "Will Serve" letter for the City if you like. (Sample attached.)

Thank you for the opportunity to comment on this matter and we appreciate the cooperation of the City.

Troy Delle
Sr. Engineer Tech
for Central Lincoln
966 Hwy 101 Florence, OR 97439

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CENTRAL LINCOLN 
YOUR PUBLICLY-OWNED ELECTRIC UTILITY

966 Highway 101 • Florence, Oregon 97439 • 541-997-3414 • fax: 541-997-5633

December 04, 2015

SR #

SAMPLE Customer
FLORENCE OR 97439-9519

Customer,

I have reviewed the service to the **LOCATION** There is definitely adequate primary power available to serve the _____.

I believe there is adequate service available in the existing transformer, but will need you or your electrical contractor to provide a detailed list of the new load to be sure. Please have the point of contact (you, the owner, or the electrician) contact our office at 541-265-3211 to make a "Customer Request" for the new service.

If you have any questions please contact me at 541-574-3649.

Sincerely,

xxx
Senior Distribution Engineering Technician

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 4
Meeting Date: Dec. 14, 2015
Department: Planning

ITEM TITLE: Ordinance No. 13, Series 2015 / Resolution PC 15 21 TA 03: Old Town Wholesaling – Legislative Code Amendments to Title 10

DISCUSSION/ISSUE:

Process

This request is a citizen-initiated legislative amendment to adopt Ordinance No. 13, Series 2015: An Ordinance amending Florence City Code Chapter 17 of Title 10 concerning certain wholesale businesses within the Old Town Area “A” zoning district. Please see the attached Ordinance, Resolution, and proposed code amendments.

Planning Commission and City Council will conduct the public hearing to consider the proposed code amendment, as follows and outlined by Agenda Item No. 4:

1. Staff Report

Presents a summary of the proposal and answers questions of the Council & Commission

2. Public Hearing

Open the hearing to receive and consider written and oral testimony on the proposed amendments. Close the hearing once public has completed presenting testimony.

3. Planning Commission Decision

Consider approval of Resolution PC 15 21 TA 03, a proposal to recommend City Council approve Ordinance No. 13, Series 2015.

4. City Council Decision

Consider approval of Ordinance No. 13, Series 2015, a proposal to approve text amendments to Chapter 17, Title 10 of the Florence City Code.

Discussion

On October 29, 2015, Scott Weiss and Bert Wells applied to initiate an amendment to FCC 10-17. The applicant intends to propose a brewery with retail tasting room in the near future, but did not find that those operations alone would sustain the business and be cost-effective. The applicant has proposed that wholesale sales be allowed within Old Town Area “A.” Presently a business producing goods on-site can only sell those goods to consumers and not to businesses for resale.

Staff has proposed that wholesale sales be allowed within Old Town Area “A” when conducted in conjunction with a retail or restaurant business on-site which sells those products. This change imposed by staff seeks to disallow other non-food and beverage businesses from manufacturing, and wholesaling products in Old Town. An example of a manufacturing business which would have previously been allowed (through oversight) could be a computer

manufacturing company. Said company could manufacture their products within any 5,000 square foot space in Old Town as long as those products were also sold within an on-premises storefront. Staff proposes that manufacturing and wholesaling fitting the character of Old Town would be that of food and beverage products, such as fish & seafood, bakeries, breweries, coffeehouses, etc., while other manufacturing could easily take place within other districts in the City. Food and beverage manufacture and wholesaling would benefit from being near other retail and restaurant uses in Old Town (their customers) which would then sell and/or use those products.

Food and beverage product wholesaling is currently being conducted within Old Town, though the practice is not strictly allowed by zoning code. Staff took this opportunity to propose the legalization of other long-standing food and beverage wholesale businesses within Old Town Area "A" such as bakeries which wholesale to other (off-site) restaurants and coffee establishments which wholesale coffee to other local businesses for re-sale, but which also conduct retail sales of those products on-site.

FISCAL IMPACT:

There would be no known direct financial impact to the City.

RELEVANCE TO ADOPTED COUNCIL GOALS:

The approval of Ordinance No. 13, Series 2015 will diversify the types of businesses allowed within the Old Town Area "A" zoning district, meeting the 2015 Council goal of "Expand and diversify the Florence economy (Goal 2)."

ALTERNATIVES:

1. Approve the application based on the findings of compliance with City regulations
2. Modify the findings or proposed code, and approve the request as modified.
3. Deny the application based on the Commission's/Council's findings.
4. Keep the written record open and continue the Public Hearing to a date certain if more information is needed.
5. Close the public hearing and continue deliberations to a date certain if needed.

RECOMMENDATION:

Staff finds that the proposed application meets the requirements of City Code, the Florence Realization 2020 Comprehensive Plan, and the Oregon Revised Statutes and recommends the approval of Resolution PC 15 21 TA 03/Ordinance No. 13, Series 2015.

AIS PREPARED BY: Glen Southerland, Assistant Planner

CITY MANAGER'S RECOMMENDATION: Approve Disapprove Other

Comments: *ER Reynolds*

ITEMS ATTACHED: Ordinance No. 13, Series 2015 & Resolution PC 15 21 TA 03
A. Findings of Fact – PC 15 21 TA 03 / Ordinance No. 13, Series 2015
B. Proposed Code Amendments
C. Citizen-Initiated Legislative Amendment Application

**CITY OF FLORENCE
ORDINANCE NO. 13, SERIES 2015**

**An Ordinance amending Florence City Code Chapter 17 of Title 10 concerning
certain wholesale businesses within the Old Town Area “A” zoning district**

RECITALS:

1. Scott Waiss and Bert Wells initiated amendments to allow businesses to conduct wholesale operations by application on October 20, 2015.
2. On November 9, 2015 notice of the proposed code amendments was sent to the Department of Land, Conservation and Development, not less than 35 days prior to the first evidentiary hearing.
3. On November 23, 2015, the City sent notice in accordance with FCC 10-1-3 and ORS 227.186(4) to affected property owners notifying them of the joint Planning Commission and City Council public hearing, as well as posted the proposed code amendments on the web site.
4. On November 24, 2015, the City sent notice to Referral Agencies about the proposed amendments and the public hearing.
5. On December 2, 2015 and December 9, 2015 notice of hearing was published in the Siuslaw News prior to the Planning Commission hearing of December 14, 2015 and the City Council hearing of December 14, 2015.
6. Planning Commission opened their public hearing December 14, 2015 and then closed it and deliberated to a decision for a recommendation to the City Council on December 14, 2015.
7. City Council conducted a public hearing on December 14, 2015 and found the amendments consistent with applicable criteria in Florence City Code, Realization 2020 Florence Comprehensive Plan, Oregon Administrative Rules and Oregon Revised Statutes.

Based on these findings,

THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. The Florence City Code Chapter 17 of Title 10: Zoning Regulations, is amended as explained in Exhibit A, as shown in Exhibit B, and initiated through citizen application.

2. This ordinance shall become effective thirty days following adoption. (January 12, 2015).
3. The City Recorder is authorized to administratively correct any reference errors contained herein or in other provisions of the Florence City Code to the provisions added, amended, or repealed herein.

ADOPTION:

First Reading on the 14th day of December, 2015.

Second Reading on the _____ day of _____, 2015

This Ordinance is passed and adopted on the 14th day of December, 2015.

AYES Councilors
NAYS
ABSTAIN
ABSENT

Joe Henry, Mayor

Attest:

Kelli Weese, City Recorder

**CITY OF FLORENCE
PLANNING COMMISSION**

RESOLUTION PC 15 21 TA 03

A RECOMMENDATION TO THE CITY COUNCIL TO AMEND FLORENCE CITY CODE TITLE 10, CHAPTER 17 TO ALLOW CERTAIN WHOLESALING BUSINESSES WITH THE OLD TOWN AREA “A” ZONING DISTRICT.

WHEREAS, application was made by Scott Waiss and Bert Wells, for code amendments to allow certain business uses to conduct wholesale operations as required by FCC 10-1-3, FCC 10-17A-2-B, and FCC 10-17A-2-C; and

WHEREAS, the notice was sent to the Department of Land Conservation and Development on November 9, 2015, not less than 35 days prior to the first evidentiary hearing; and

WHEREAS, the Planning Commission and the City Council met in a duly noticed public hearing on December 14, 2015 as outlined in Florence City Code 10-1-3 and ORS 227.186(4), to consider the application, evidence in the record, and testimony received; and

WHEREAS, the Planning Commission determined per FCC 10-1-3, FCC 10-17A-2-B and FCC 10-17A-2-C, after review of the application, findings of fact, testimony and evidence in the record, that the application meets the criteria; and

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

The request for a code amendment to allow wholesaling operations within the Old Town Area “A” zoning district when accompanied by a retail or restaurant on-premises as shown in Exhibits “A” and “B”, by initiation through citizen application as shown by Exhibit “C”, meets the applicable criteria in Florence City Code and the Florence Realization 2020 Comprehensive Plan. The Planning Commission recommends approval of Ordinance No. 13, Series 2015 to the Florence City Council.

ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD the 14th day of December, 2015.

CURT MUILENBURG, Chairperson
Florence Planning Commission

DATE

**Exhibit "A": Findings of Fact
Florence City Council – Ordinance No. 13, Series 2015
Florence Planning Commission – Resolution PC 15 21 TA 03**

Public Hearing Date: December 14, 2015 **Planner:** Glen Southerland
Date of Report: December 5, 2015
Application: PC 15 21 TA 03
CC 15 07 TA 03

I. PROPOSAL DESCRIPTION

Proposal: A request for a code amendment to Title 10, Chapter 17, Section A-2-B in order to allow the manufacture and wholesaling of food and beverage items within the Old Town Area "A" zoning district when accompanied by a retail and/or restaurant use selling those items on-site.

Applicant: Scott Waiss and Bert Wells

II. NARRATIVE:

The applicant applied for the code amendment on October 29, 2015. The application was deemed complete on November 23, 2015.

The applicant has applied for a code amendment to allow wholesaling accompanied by retail sales within the Old Town Area "A" zoning district. By extension, this code change would also apply to the Waterfront/Marine district, which is governed in part (50%) by the zoning code for Old Town Area "A." The affected area is highlighted in yellow below.



The applicant intends to open a small brewery and tasting room at 184 Maple Street (the former Masonic Lodge) following any changes to the Old Town code which would allow the wholesaling of brewed beverages. The applicant intends to dedicate

approximately 60% of the main floor to brewing production and 40% to a retail tasting room. The applicant has stated that it is not cost effective to open a brewery production space without the ability to wholesale those items off-site at area restaurants and businesses, a use not currently allowed by City Code in the Old Town District.

Historically, wholesale of food and beverage items has taken and is taking place within the Old Town District and has contributed to the character of the district in the form of bakeries and coffee shops which bake goods and roast coffee for Old Town restaurants. Those businesses manufacture on-site and also sell their goods on-site through retail and restaurant establishments. The proposed code amendment would allow uses which are already taking place and add to the character, charm, and sustainability of Old Town Area "A."

Staff has also proposed that loading zones for wholesale businesses take place wholly on private property, off City streets.

III. NOTICES & REFERRALS:

Notice: On November 23, 2015 notice was mailed to property owners within Old Town Area "A". Notice was published in the Siuslaw News on December 2 and 9, 2015.

At the time of this report, the City has not received any written testimony.

Referrals: On November 24, 2015 referrals were sent to the Florence Building Department; the Florence Police Department; Florence Public Works; Lane County Environmental Health; Central Lincoln PUD; the Florence Chamber of Commerce; Florence Urban Renewal Agency; the Oregon Department of Agriculture; the Oregon Health Authority; the Oregon Liquor Control Commission; and Siuslaw Valley Fire and Rescue.

At the time of this report, the City has not received any written comments.

IV. APPLICABLE REVIEW CRITERIA

Florence City Code, Title 10:

Chapter 1: Zoning Administration, Section 3-C

Chapter 17: Old Town District, Section 1, A-2-B, and A-2-C

Realization 2020 Florence Comprehensive Plan:

Chapter 1: Citizen Involvement, Policies 4, 5, and 6

Chapter 2: Land Use: Other Plan Designations, Policy 1, Downtown Planning Area

Chapter 9: Economic Development, Policy 1

Oregon Revised Statutes:

197.610: Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development

227.186: Notice to property owners of hearing on certain zone change

Statewide Planning Goals (OAR 660-015-0000):

1. Citizen Involvement
2. Land Use Planning
9. Economy of the State

V. PROPOSED FINDINGS

Code criteria are listed in **bold**, with staff response beneath. Only applicable criteria have been listed.

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

10-1-3: AMENDMENTS AND CHANGES:

C. Legislative Changes:

1. **Initiation: A legislative change in zoning district boundaries, in the text of this Title, (Title 10), Title 11, or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council, or by an application for an amendment by a citizen.**

The proposed code text amendment was initiated by an application for amendment by a citizen. The applicant has proposed this change to accommodate their brewery/retail business which will in-turn supply local restaurants and stores.

2. **Notice and Public Hearing: Such notice and hearing as prescribed by state law and the Comprehensive Plan then in effect. (Amd. by Ord. 30, Series 1990).**

The notice mailed to affected property owners as described above and in accordance with ORS 227.186, contained information regarding the nature of the application; applicable criteria applying to the issue; the area affected by the proposed code amendment; the date, time and location of the meeting; the need to “raise it or waive it” appeal rights; stated that the application and criteria were available for inspection at no cost and would be provided at reasonable cost; stated that a copy of the staff report would be available no less than seven days prior to the hearing regarding the item; included a statement of the requirements for submission of testimony; and included the name of the staff person to contact, telephone number for the Planning Department and an email address where questions or testimony could be sent. The application was properly noticed on November 23, 2015 and these criteria are met.

TITLE 10: CHAPTER 17: OLD TOWN DISTRICT

10-17-1 GENERAL PURPOSE FOR OLD TOWN: The Old Town District is intended to provide an area for pedestrian oriented, mixed land uses. Areas A and B are located near or along the waterfront and comprise the historic old town with generally smaller scale structures than Area C. The Old Town District is also intended to encourage restoration, revitalization and preservation of the District.

The Old Town District includes areas which vary in character and development potential. Therefore, the permitted uses and development regulations have been separately defined for three sub-areas (Areas A, B, and C) making up the overall Old Town District in accordance with Figure 17.1. The purpose of these sub-areas is described in each subsection.

The applicant has proposed that the code of the Old Town District Area “A” be amended to allow for the wholesaling of items that are also sold on-premises. This type of business is allowed within the historic commercial areas of many other cities and has become an attraction and valuable asset to both locals and tourists in those areas. The Florence area currently does not have any breweries, brewpubs, or other attractions where a product is manufactured on-premises and sold within a restaurant or retail space as well as sold to other businesses wholesale.

The applicant has also proposed that the upper floor of the building be converted to residential use in the future. This proposal is in keeping with the purpose of the Old Town District and will encourage the revitalization of the Old Town area within existing historic buildings.

FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN

CHAPTER 1: CITIZEN INVOLVEMENT

SCENIC RESOURCES AND VISUAL QUALITY

POLICY 4. Official City meetings shall be well publicized and held at regular times. Agendas will provide the opportunity for citizen comment.

The Planning Commission and City Council met on December 14, 2015 in order to consider this application. Notices were sent to all property owners within the Old Town Area “A” zoning district. Notice also appeared in the Siuslaw News on December 1, 2015 and December 9, 2015. The agenda for the meeting provided the opportunity for citizen comment.

POLICY 5. Records of all meetings where official action is taken shall be kept at City Hall and made available on request to the public.

The proceedings were recorded and minutes published and made available to the public. These materials are available at request to the public.

POLICY 6. Planning documents and background data shall be available to interested citizens

All information regarding this application and proposed code amendment are available upon request to interested citizens.

CHAPTER 2: LAND USE

Other Plan Designations

POLICY 1. The City should recognize unique land uses, sites, and/or ownership patterns and should provide for flexibility in the land use system to address unique situations while remaining consistent with City goals and policies.

The proposed code amendment will allow a unique land use within the Old Town district in order to spur economic development in the area while maintaining consistency with City goals and policies for the Downtown area. The proposed code amendment is an incidental addition to an allowed use by adding production and wholesaling of items sold within Old Town Area “A.”

The practice of wholesaling within Old Town Area “A” has taken place historically and currently through bakeries and coffee roasters within the district. The size limitation proposed of ≤5,000 square feet will limit manufacturing and wholesaling operations to scales that are in keeping with the Old Town character. Loading has been addressed as an issue which could affect Old Town area character through criteria which requires that loading of goods to be sold be conducted on private property only, not City right-of-ways.

POLICY 2. Establishment of additional land use designations shall follow standard government process as set forth in this Comprehensive Plan, local ordinances, and state statute.

This code amendment has been proposed and will be established according to Florence City Code, the Realization 2020 Comprehensive Plan, and state statutes as outlined below.

CHAPTER 9: ECONOMIC DEVELOPMENT

POLICY 1. The City shall encourage actions and activities that promote the availability of new employment in the community, especially family wage jobs.

The applicant has proposed this code in order to open a small production brewery which will sell goods within a retail space on the premises and which will also wholesale goods to other stores and restaurants in the Florence area. The facility

should provide for several family wage jobs and could provide for more as the business finds success and expands production.

OREGON REVISED STATUTES

197.610 Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development; rules.

(1) Before a local government adopts a change, including additions and deletions, to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the proposed change to the Director of the Department of Land Conservation and Development. The Land Conservation and Development Commission shall specify, by rule, the deadline for submitting proposed changes, but in all cases the proposed change must be submitted at least 20 days before the local government holds the first evidentiary hearing on adoption of the proposed change. The commission may not require a local government to submit the proposed change more than 35 days before the first evidentiary hearing.

Prior to the first evidentiary hearing, notice was mailed and submitted electronically to the Department of Land Conservation and Development. That notice included the text of all changes proposed at the time for City land use regulations and was mailed on November 9, 2015.

(3) Submission of the proposed change must include all of the following materials:

- (a) The text of the proposed change to the comprehensive plan or land use regulation implementing the plan;**
- (b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;**
- (c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the proposed change;**
- (d) The date set for the first evidentiary hearing;**
- (e) The form of notice or a draft of the notice to be provided under ORS 197.763, if applicable; and**
- (f) Any staff report on the proposed change or information describing when the staff report will be available, and how a copy of the staff report can be obtained.**

All of the required documents were submitted to DLCD on November 9, 2015 except for the staff report, which was not available at the time. This staff report will be sent to DLCD as well as being made available on the City of Florence website.

227.186 Notice to property owners of hearing on certain zone change; form of notice; exceptions; reimbursement of cost.

(1) As used in this section, “owner” means the owner of the title to real property or the contract purchaser of real property, of record as shown on the last available complete tax assessment roll.

(2) All legislative acts relating to comprehensive plans, land use planning or zoning adopted by a city shall be by ordinance.

(3) Except as provided in subsection (6) of this section, at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend an existing comprehensive plan or any element thereof, or to adopt a new comprehensive plan, a city shall cause a written individual notice of a land use change to be mailed to each owner whose property would have to be rezoned in order to comply with the amended or new comprehensive plan if the ordinance becomes effective.

(4) At least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to rezone property, a city shall cause a written individual notice of a land use change to be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone.

(5) An additional individual notice of land use change required by subsection (3) or (4) of this section shall be approved by the city and shall describe in detail how the proposed ordinance would affect the use of the property. The notice shall:

(a) Contain substantially the following language in boldfaced type across the top of the face page extending from the left margin to the right margin:

This is to notify you that (city) has proposed a land use regulation that may affect the permissible uses of your property and other properties.

(b) Contain substantially the following language in the body of the notice:

On (date of public hearing), (city) will hold a public hearing regarding the adoption of Ordinance Number _____. The (city) has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property.

Ordinance Number _____ is available for inspection at the _____ City Hall located at _____. A copy of Ordinance Number _____ also is available for purchase at a cost of _____.

For additional information concerning Ordinance Number _____, you may call the (city) Planning Department at _____.

Notice containing the language above was mailed to all property owners within the Old Town Area “A” zoning district on November 23, 2015, within the 20 to 40-days prior to the first evidentiary hearing window as required. The proposed code

amendment, if approved, would be adopted by Ordinance No. 13, Series 2015, as required by ORS 227.186.

VI. CONCLUSIONS AND RECOMMENDATIONS

Planning Commission

Staff finds that the proposed application meets the requirements of City Code, the Realization 2020 Florence Comprehensive Plan, and Oregon Revised Statutes and recommends approval of Planning Commission Resolution PC 15 21 TA 03, recommending approval of Ordinance No. 13, Series 2015.

City Council

Staff finds that the proposed application meets the requirements of City Code, the Realization 2020 Florence Comprehensive Plan, and Oregon Revised Statutes and recommends approval of Ordinance No. 13, Series 2015.

VII. EXHIBITS

| |
|---------------------------------------|
| "A" Findings of Fact |
| "B" Proposed Code Amendments |
| "C" Legislative Amendment Application |

TITLE 10
CHAPTER 17

OLD TOWN DISTRICT

SECTION

10-17A-2 Land Uses for Area A

OLD TOWN DISTRICT AREA A

10-17A-2 LAND USES FOR AREA A: The following establishes permitted, conditional, and prohibited uses for the Old Town District Area A:

- B. Conditional Uses:** Uses which are administratively determined to have an impact similar to or less than Conditional uses listed below. The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

Manufacturing and production of retail items sold on the premises (< 5,000 s.f. w/retail)
Wholesale sales of food and beverage items, provided those items are also sold on the premises within a retail space or restaurant (≤5,000 s.f. without retail or restaurant) and loading of materials to be sold takes place on private property

- C. Prohibited Uses:** Uses that are administratively determined to have impact similar to or greater than a Prohibited use listed below are prohibited in this Area. The following uses are specifically Prohibited:

Wholesale sales, except as allowed above as a Conditional Use
Warehousing, except as allowed above as a Conditional Use

Established by Ord. No 1, Series 2008 – effective Feb. 4, 2008

Sections 10-17A-2, 10-17B-2, 10-17C-2, 10-17A-4, 10-17B-4 and 10-17C-4 Amended by Ord. No. 9, Series 2009

Sections 10-17B-3-E and 10-17C-3-E, Amended by Ord. No. 2, Series 2011 – effective March 11, 2011

Sections 10-17-A-4-G, 10-17-B-4-G, and 10-17-C-4-G amended by Ord. No. 4, Series 2011 – effective April 22, 2011

Sections 10-17A-2, 10-17A-4, 10-17B2, 10-17B-4, 10-17C-2, and 10-17C-4 amended by Ord. No. 3, Series 2013, see Exhibit B (effective 7-31-13)

Section 10-17A-4-E amended by Ordinance No. 4, Series 2014 – effective October 15, 2014

Section 10-17-A-4-I-5, 10-17-B-4-I-5, and 10-17-C-4-I-4 amended by Ord. No. 12, Series 2014 – effective December 31, 2014

Section 10-17A-2-B amended by Ordinance No. 13, Series 2015 – effective January 12, 2016



RECEIVED
City of Florence
OCT 29 2015
By: VMM

City of Florence
Community Development Department
250 Highway 101
Florence, OR 97439
Phone: (541) 997 - 8237
Fax: (541) 997 - 4109
www.ci.florence.or.us

Type of Request

Zone Change (ZC) **Comprehensive Plan Amendment (CPA)**

Applicant Information

Name: Scott Waiss and Bert Wells Phone 1: [REDACTED]
E-mail Address: [REDACTED] Phone 2: [REDACTED]
Address: [REDACTED]
Signature: Scott Waiss Digitally signed by Scott Waiss
DN: cn=Scott Waiss, o, ou, email=scott@beachcomberpub.com, c=US
Date: 2015.10.28 10:48:01 -0700 Date: 10.28.2015
Applicant's Representative (if any): _____

Property Owner Information

Name: Scott Waiss and Bert Wells Phone 1: [REDACTED]
E-mail Address: [REDACTED] Phone 2: [REDACTED]
Address: [REDACTED]
Signature: Scott Waiss Digitally signed by Scott Waiss
DN: cn=Scott Waiss, o, ou, email=scott@beachcomberpub.com, c=US
Date: 2015.10.28 10:48:36 -0700 Date: 10.28.2015
Applicant's Representative (if any): _____

NOTE: If applicant and property owner are not the same individual, a signed letter of authorization from the property owner which allows the applicant to act as the agent for the property owner must be submitted to the City along with this application. The property owner agrees to allow the Planning Staff and the Planning Commission onto the property. Please inform Planning Staff if prior notification or special arrangements are necessary.

For Office Use Only:

| | | |
|----------|----------|---------|
| Received | Approved | Exhibit |
| | | |

Project Description

Present Zoning: Old Town Requested Zoning: _____

Present Plan Designation: _____

Requested Plan Designation: _____

Proposal: (Describe the project in detail, what is being proposed, size, objectives, what is desired by the project. Attach an additional sheet as necessary)

We are proposing a zone change in the Old Town District to allow wholesale sales in addition to retail sales. We are planning on opening a small brewery and tasting room at 184 Maple St. (The former Masonic Lodge)

Approximately 60% of the main floor will be dedicated to brewing production space and 40% to a retail tasting room. In order to make this project work, it is necessary to be able to sell our product to Florence area restaurants and businesses.

Thank you for your consideration.

For Office Use Only:

Date Submitted: _____ Fee: _____
Received by: _____

Paid

Other Information Required

Below is a check list of the required information to determine if an application is complete. The Florence City Code is available at City Hall or online at www.ci.florence.or.us (click on "City Code" which is located on the main menu). You will also find the *Florence Transportation Plan*, *Downtown Architectural Guidelines*, *Highway 101 Access Management Plans*, *Stormwater Design Manual*, and *Stormwater Management Plan* available on the City's website or at the City Hall for review or purchase.

Site Plan existing and proposed drawn to scale, showing the following:

- Existing and proposed site boundaries and proposed lot boundaries
- Existing and proposed structures
- Existing and proposed roads, streets, rights-of-way, pedestrian walks (widths and types), names, grades, radii
- Existing and proposed utility services – location of water and sewer lines, drainage routes and facilities, manholes, meters, fire hydrants, etc...
- Areas of scenic value, wildlife habitat, potential hazard areas (floodplains, geologic instability), wetlands, or other areas of special significance

A description of the proposed use including:

- Activities proposed and general function of structures and uses
- Hours of operation
- A description of the conditions and land use of all land within 300' of the subject property
- Any special requirements: noise, heights, dust, outside storage

A title report from a title company showing:

- Existing liens
- Access and/or utility easements
- Legal description