



City of Florence

250 Hwy 101, Florence, OR 97439

www.ci.florence.or.us

December 15, 2015

**FLORENCE CITY COUNCIL & PLANNING COMMISSION
NOTICE OF DECISION
RESOLUTION 15 19 TA 01
ORDINANCE # 12, SERIES 2015**

On December 14, 2015 the Florence Planning Commission recommended approval of Resolution 15 19 TA 01 and the Florence City Council approved Ordinance #12, Series 2015 (enclosed), regulating time, place and manner standards for marijuana related businesses. In summary these amendments include:

Florence City Code, Title 10:

- Chapter 1-4: Adds definitions for six marijuana businesses, modifies naming convention for medical marijuana dispensaries and clarifies and establishes policies for home occupations
- Chapter 4-12-I: Adds and modifies location and operation standards for marijuana businesses and generally include:
 - Location:
 - Retail and Dispensary “Sales” have buffers: 175 ft. from Residential zones, 200 ft. from public libraries, 200 ft. from public parks (except Miller park which is 400’), 200 ft. from child care facilities, & 1000 ft. from schools attended primarily by minors.
 - Growing and Manufacturing are permitted in Industrial Districts, Highway District and as home occupations in a permanent structure that is not the home. Wholesaling is permitted in most industrial districts and the Highway District. Selling to a consumer is permitted outside of buffer areas along Highway 101 and 126 except the Service Industrial District. Laboratories are permitted in same locations as selling and the Professional Office District.
 - Marijuana businesses are not permitted in Old Town District, except home occupations.
 - Operation:
 - Industrial/Highway Zones-No artificial lighting sunset to sunrise in outdoor and green house grows. Highway District-Indoor, greenhouse and high-tunnel grow only.
 - Residential Zones- No outdoor or greenhouse grows. Cannot locate in a building that also has a dwelling. Home Occupation grows only (except as agriculture use in Single Family and Manufactured Home Zones) so no employees and no traffic inconsistent with residential character.
 - All businesses must have effective odor control, separate hvac systems from other uses in same building, security lighting, only one public entrance & must face a street, cannot use a drive-up or walk-up window, cannot locate in a building with a dwelling.

Public Works
989 Spruce St.
(541) 997-4106

**City Manager/
City Recorder**
(541) 997-3437

**Community Development:
Planning & Building**
(541) 997-8237

**Finance/
Utility Billing**
(541) 997-3436

Justice Center
900 Greenwood St.
(541) 997-3515

Florence Events Center
715 Quince St.
(541) 997-1994



The City Council's complete list of marijuana code changes can be viewed under the tab for Ordinance 12, 2015 at <http://www.ci.florence.or.us/council/ordinances-2015> or can be reviewed along with the findings at the Planning Department, City Hall, 250 Hwy 101, Florence, OR 97439, Monday through Friday 8 am to 5pm, except from 12-1pm each day and 4-5pm on Wednesdays or the decision and findings can be mailed to you for a fee. For additional information, call Wendy FarleyCampbell at 541-997-8237.

APPEAL PROCESS:

If you wish to appeal the Council's decision, you must have appeared before the local government on the matter orally or in writing and you must file a notice of intent to appeal to the State Land Use Board of Appeals and the City of Florence within 21 days of the date of this notice. Please refer to Oregon Revised Statutes (ORS) 197.830 to 197.845 for specifics about the appeal process. If you have any questions, you may contact Wendy Farley, Planning Director, at 541-997-8237.

Certified by: 
Wendy FarleyCampbell, Planning Director

Dec. 15, 2015
Post Mark Date

**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

12-15-15
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, Revised Dec. 14, 2015
File Numbers: CC 15 04 TA 01 & PC 15 19 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.

Exhibit P: Marvin and Diana Strickland, letter dated Dec. 10, 2015, is not in favor of any commercial marijuana businesses in the residential area.

Exhibit Q: Donna Burke, 2261 Marie Lane, Eugene, letter dated Dec. 10, 2015, against marijuana businesses in Old Town.

Exhibit R: John Weatherwax, 1990 Willow Loop, letter dated Dec. 10, 2015, against processors and producers in city limits.

Exhibit S: Stuart and Joann Henderson, 1297 Bay St., letter dated Dec. 14, 2015, against marijuana businesses in city, questions legality under federal law, concerned with taxes being spent on regulation and questionable industry to base community growth.

Exhibit T: Gerald and Audrey Parker, P.O. Box 4121, Anaheim, CA, letter dated Dec. 11, 2015, against marijuana growing in Florence and against businesses and personal use in city and state.

Exhibit U: Sue and Meuy Sophan, 764 Wecoma Loop, letter dated Dec. 14, 2015, against growing, harvesting, or selling in residential areas.

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: Troy Delle, 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 marijuana 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>

HOME OCCUPATION Any use customarily conducted entirely within a dwelling or accessory building and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which does not change the character thereof or does not adversely affect the uses permitted in

the district of which it is a part. Home occupations are permitted by this Title, provided they conform with the following criteria:

- A. No employment of help other than the members of the resident family.
- B. No use of material or mechanical equipment that is inconsistent with the residential character of the neighborhood.
- C. No sales of products or services not produced on the premises.
- D. The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.
- E. It shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
- F. No storage of materials/supplies outdoors.
- G. It shall not involve the use of signs and/or structures other than those permitted in the district of which it is a part.
- H. The use shall be conducted entirely within a building.
- I. Medical and recreational marijuana producers and processors shall also comply with the criteria outlined in FCC 10-4-12-I.

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

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 methodology 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". Medical and Recreational Production not in a residential zone and not a home occupation may conduct outdoor grow operations, excepting in the Highway District.
 - 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. 12, Series 2015 (effective 1/1/15)

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 ~~Facilities~~Dispensaries. (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. 12, Series 2015 (effective 1-1-15)

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. 12, Series 2015 – effective 1-1-15](#)

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. 12, Series 2015 (effective 1/1/15)

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. 12, Series 2015 (effective 1-1-15)

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. 12, Series 2015 – effective 1-1-15](#)

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. 12, Series 2015 (effective 1-1-15)

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. 12, Series 2015 \(effective 1/1/15\)](#)

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.

Section 10-30-3 amended by Ord. No. 12, Series 2015 (effective 1/1/15)

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. 12, Series 2015 – effective 1-1-15