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**PLANNING COMMISSION  
STAFF REPORT — FINDINGS OF FACT  
LEGISLATIVE TEXT AMENDMENTS  
REQUIRING RECREATIONAL MARIJUANA BUSINESSES  
TO OBTAIN CONDITIONAL USE PERMITS  
ORDINANCE NO. 247**

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**Planning Commission**

**Public Hearing Date:**

June 28, 2018 – 6:00 pm

**Applicant:**

Initiated by Dunes City

**Proposal:**

Legislative Text Amendment to Dunes City Zoning and Development Code to require recreational marijuana businesses to obtain Conditional Use Permits

**Staff:**

Jamie Mills, City Administrator/Recorder

**I. INTRODUCTION**

**Proposal:**

Ordinance No. 247 amends Title XV of the Dunes City Code by adding new language to Chapter 155, Sections 155.2.1 and 155.2.2 regarding recreational marijuana producers and processors. “Recreational Marijuana Producers” will be added to the uses in the R-1 district that require a Conditional Use Permit under Section 155.2.1.111 and “Recreational Marijuana Processors” will be added to the uses in the Community Commercial district that require a Conditional Use Permit under Section 155.2.2.111. New Section 155.2.1.270 will list standards (in addition to all other Conditional Use Permit requirements) with which recreational marijuana producers must comply in the R-1 district, and new Section 155.2.2.220 will list standards (in addition to all other Conditional Use Permit requirements) with which recreational marijuana processors must comply in the Community Commercial district.

**Background:**

In April and May of 2017, three OLCC Land Use Compatibility Statements for growing marijuana in Dunes City’s residential district were submitted to Dunes City Hall and approved, with certain conditions, by the City Administrator. Following approval of the OLCC LUCSs, the issue of growing marijuana in Dunes City was discussed at nearly every meeting of the City Council and Planning Commission.

In September of 2017, the City Council adopted Ordinance No. 245, which prohibited the establishment and operation of marijuana processing sites licensed under ORS 475B.435, medical marijuana dispensaries, marijuana producers licensed under ORS 475B.450, marijuana processors, marijuana wholesalers, marijuana retailers, and any combination of the aforementioned entities. Ordinance No. 245 provided an exception for a marijuana processing site or medical marijuana dispensary that met the conditions set out in ORS 475B.800(6) and (7), and for any marijuana-related entity that had, at the time of the adoption of Ordinance No. 245, obtained a LUCS pursuant to ORS 475B.063.

At the same time the Council adopted Ordinance No. 245, it adopted Resolution Series 2017, No. 17, which referred to the electors of Dunes City the question, “Shall Dunes City prohibit medical marijuana processors, medical marijuana dispensaries, recreational marijuana producers, processors, wholesalers, and retailers in Dunes City?” This ballot question will be voted upon in the November 6, 2018, general election.

At the recommendation of the Planning Commission and a Citizens Advisory Committee, City Staff prepared language to amend the City’s land use code to require that marijuana-related businesses obtain a Conditional Use Permit from the City. Staff’s draft Ordinance was reviewed by the CAC on March 29, 2018, and the CAC voted unanimously to recommend the language be referred to the Planning Commission. Also on March 29, 2018, the Planning Commission reviewed the draft ordinance and voted unanimously to accept the language as presented and requested that City Staff begin preparations for public hearings on the ordinance.

**Purpose:**

If the ballot question fails and Dunes City’s voters do not pass a ban on marijuana businesses in Dunes City, Ordinance No. 247 will provide Dunes City with mechanisms to set conditions of use on any marijuana businesses that wish to operate in the City, will provide a process for the City to notify neighboring residents about proposed marijuana operations and will provide an opportunity for the Planning Commission and the City Council to hold public hearings on a marijuana business’ application for a Conditional Use Permit. Dunes City residents have asked the Planning Commission and the City Council for more transparency in permitting marijuana businesses in Dunes City, and Ordinance No. 247 will help fill request.

**II. APPLICABLE CRITERIA**

*Dunes City Code Title XV (Zoning and Development), Sections 155.4 (Applications and Review Procedures) and 155.4.1.7 (Type IV Procedure – Legislative) and Dunes City’s Comprehensive Plan, Oregon Revised Statutes, and Statewide Planning Goals.*

**III. REVIEW OF APPLICABLE CRITERIA/CONSISTENCY WITH DUNES CITY CODE**

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| <b>155.4</b> | <b>APPLICATIONS AND REVIEW PROCEDURES</b> |
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| <b>155.4.1.7</b> | <b>TYPE IV PROCEDURE (LEGISLATIVE)</b> |
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**155.4 Applications and Review Procedures**

**155.4.1.7 Type IV Procedure (Legislative)**

**B. Notice of Hearing.**

- 1. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications submitted to the City.**

*Finding: The proposal is consistent with this criterion because two hearings were conducted before a final decision was made. A public hearing was conducted before the Planning Commission on June 28, 2018, and a public hearing was conducted before the City Council on July 18, 2018 prior to making a final decision. **This criterion is met.***

- 2. The Planning Secretary shall give notice of public hearings for the request in the following manner:**
  - a. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the Comprehensive Plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.175 and mailed to:**
    - 1. Each owner whose property would be rezoned in order to implement the ordinance;**
    - 2. Any affected governmental agency.**
    - 3. Recognized neighborhood groups or associations affected by the ordinance;**
    - 4. Any person who requests notice in writing;**
    - 5. For a rezone affecting a manufactured home or recreational vehicle park, all mailing addresses within the park.**

*Finding: Though no rezone is proposed, the City determined that the proposal could impact all property owners within Dunes City and it would be appropriate to notify those property owners about the proposal. The proposal is consistent with this criterion because on May 23, 2018, a public notice was mailed to all property owners in Dunes City, affected government agencies and neighborhood groups, and anyone requesting a notice, at least 20 days but not more than 40 days before the first public hearing by the Planning Commission on June 28, 2018. **This criterion is met.***

- b. At least 14 days before the scheduled Planning Commission public hearing date, and 14 days before the City Council hearing date, notice shall be published in a newspaper of general circulation in the City.**

*Finding: Notices of the June 28, 2018, Planning Commission public hearing were published in the Siuslaw News on June 6 and June 9, 2018. Notices of the July 11, 2018, City Council public hearing were published in the Siuslaw News on June 20 and June 23, 2018. **This criterion is met.***

- c. The Planning Secretary shall:**

- 1. For each mailing of notice provided in Subsection B.2. above, file an affidavit of mailing in the record; and**
- 2. For each published notice provided in Subsection B.2. above, file an affidavit of publication in the record;**

*Finding: The proposal is consistent with these criteria because affidavits of mailing and publication were filed into the record. **These criteria are met.***

- d. The Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed Comprehensive Plan and development code amendments at least 45 days before the first public hearing at which public testimony or new evidence will be received.**

*Finding: The proposal is consistent with this criterion because a notice was sent to DLCD on May 3, 2018, at least 45 days prior to the first evidentiary hearing with the Planning Commission on June 28, 2018. **This criterion is met.***

- 3. The mailed and published notices shall include the following information:**

- a. The number and title of the file containing the application, and the address and telephone number of the Planning Secretary's office where additional information about the application can be obtained;**
- b. The identification of the Tax Map and Lot and the street address if available on the proposal;**
- c. A description of the proposal in enough detail for people to determine that a change is proposed;**

- d. **The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; a statement that the hearing will be held under this title and rules of procedure adopted by the Council and available at City Hall; and written testimony shall be submitted to the City at least 14 days prior to the hearing.**
- e. **Each mailed notice required by Subsection B.2. above shall contain the following statement: “Notice to mortgagee, lien holder, vendor, or seller: The Dunes City Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser.”**

*Finding: Paragraph 3(b) above is not relevant to this proposal. The mailed and published notices contained the address and telephone number of the Planning Secretary where additional information could be obtained, a description of the proposal, the times, dates and locations of the public hearings, an invitation for oral or written testimony with instructions for submitting same, and the statement required by 3(b) above. **These criteria are satisfied.***

#### **IV. CONSISTENCY WITH DUNES CITY’S COMPREHENSIVE PLAN**

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| <b>CITIZEN INVOLVEMENT AND LAND USE PLANNING</b> |
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##### **Policy A1. Dunes City Citizens Involvement Program.**

- A. **Citizens Involvement Program. The City shall maintain a Citizen Involvement Program (CIP) that incorporates the following components:**
  - 1. ***Citizen Involvement.* The CIP shall provide for widespread citizen involvement. The CIP shall provide opportunities for the involvement of a cross-section of affected citizens in all phases of the planning process.**
- B. **Committee for Citizen Involvement.**
  - 1. **Appointment.** The Planning Commission will serve as the City’s Committee for Citizen Involvement (CCI). The Land Conservation and Development Commission (LCDC) will be notified as required by Goal 1.
  - 2. **Duties.** The CCI will assist the City Council with the continued development of the CIP that promotes and enhances citizen involvement in land-use planning. The CCI will also assist in the

implementation of the CIP and will evaluate the process being used for citizen involvement.

**C. Citizens Advisory Committee.**

- 1. Appointment.** During periodic review or when directed by the Council, the Planning Commission shall appoint citizens to a Citizen Advisory Committee (CAC), in order to solicit citizen input on proposed changes to the City's Comprehensive Plan and/or land use regulations. CACs are fluid and may also be appointed on an ad hoc basis for each issue on which the Planning Commission seeks public input.
- 2. Duties.** CACs will make recommendations to the Planning Commission specifically regarding the proposed change to the Comprehensive Plan and/or land use regulation for which the CAC was created.

*Findings: A Citizen's Advisory Committee (CAC) was created by the Planning Commission on October 31, 2017, for purposes of reviewing portions of Dunes City Code of Ordinances Title XV, entitled "LAND USAGE". Part of the instructions to the CAC was to review the portions of the Code that address permitted uses of land in the R-1 district. At the meeting of the CAC held on January 24, 2018, the CAC unanimously voted to recommend to move paragraph 5 relating to agriculture of Section 155.2.1.110, "Permitted Land Uses," to Section 155.2.1.111, "Conditional Uses" as a new paragraph J. In subsequent meetings of the CAC, the CAC agreed that the January 24 action was insufficient protection for the City and further agreed to revise Sections 155.2.1 and 155.2.2 by adding language that required all future recreational marijuana producers and processors to apply for a Conditional Use Permit. On March 29, 2018, the CAC reviewed language of a draft ordinance created by City Staff to make the revisions to Sections 155.2.1 and 155.2.2. Following review of the draft ordinance, the CAC voted unanimously to forward the draft ordinance to the Planning Commission for consideration.*

*On March 29, 2018, the Planning Commission reviewed the draft ordinance relating to recreational marijuana production and processing and voted unanimously to send the draft ordinance amending 155.2.1 and 155.2.2 to City Staff to finalize and prepare for public hearings.*

*The proposal is consistent with this policy because citizens have been provided opportunities to be involved in all phases of the planning process. Public notice was mailed to all property owners and published in the Siuslaw News, notifying the public of the proposed code amendments*

*and how to participate in the public hearing before the Planning Commission and City Council. The information contained in proposed Ordinance No. 247 was available to the public prior to the hearings. Citizens were provided an opportunity to provide testimony before and during each public hearing. Widespread public involvement was solicited and provided for through all phases of the proposal development. **These criteria have been met.***

## **LAND USE AND URBANIZATION**

**Policy A6. All construction on property contiguous to a lake, class F (fish bearing) stream or wetland shall require a site review.**

*Findings: The proposal is consistent with this policy because it requires a review of the proposed marijuana-related activities to be conducted by the Planning Commission and/or the City Council, including site review on those properties contiguous to a lake, Class F stream, or wetland, and further allows conditions to be placed on the activities to ensure the preservation of the quality of the land, air, and water resources in this city. **This criterion is met.***

**Policy A12. Dunes City shall coordinate land use decisions where needed with Lane County, Douglas County, the Oregon Dunes National Recreation Area, Oregon State Parks, Oregon Department of Transportation, Oregon Department of Fish and Wildlife, The Oregon Department of Forestry, and other local, state and federal agencies.**

*Finding: The proposal is consistent with these policies because referrals were sent to affected local and state agencies in order to coordinate the proposed land use decision. Dunes City sent referrals to the Dunes City Building Official, OHA, OLCC, and the Department of Land Conservation and Development notifying them of the proposed amendments, public hearing dates and requesting their comments. A response from Lane County Sanitation and the Building Department LLC (the Dunes City Building Official) were received stating they had no comment on the proposals. **This criterion is met.***

## **OPEN SPACE, SCENIC AREAS, AND NATURAL RESOURCES**

**Policy B2. The city shall protect waterways and geologic and wooded integrity of the area so that the community may proudly identify itself with trees, lakes, dunes and rivers.**

*Finding: The proposal is consistent with this policy because it requires a review of the proposed marijuana-related activities to be conducted by the Planning Commission and/or the City Council, and further allows conditions to be placed on the activities to ensure the preservation of the waterways, geologic, and wooded integrity of the open space, scenic areas, and natural resources. **This criterion is met.***

**Policy B5. Elements of the aquatic environment such as the lakes, marshes, mudflats, lagoons, riparian vegetation, and critical wildlife habitat and resources shall be considered in the planning and zoning process.**

*Finding: The proposal is consistent with this policy because it requires a review of the proposed marijuana-related activities to be conducted by the Planning Commission and the City Council, and further allows conditions to be placed on the activities to ensure the preservation of the quality of the land, air, and water resources in this city. **This criterion is met.***

**Policy B6. Methods of conserving water resources must be considered in all land use and development proposals and decisions. In compliance with the Mid-Coast Basin Program adopted on September 25, 1984, the City recognizes that Siltcoos and Woahink Lakes are classified only for utilization of water for domestic, livestock, and in-lake uses for recreation, wildlife, and fish life purposes.**

*Finding: The proposal is consistent with this policy because it requires a review of the proposed marijuana-related activities to be conducted by the Planning Commission and the City Council, and further allows conditions to be placed on the activities to ensure consideration of methods of water resource conservation in the City. **This criterion is met.***

**Policy B8. Dunes City shall strive to maintain the high water quality of Siltcoos and Woahink Lakes through monitoring recreation use, commercial and industrial use, and run-off of septic tank effluent. A Water Quality Control Committee will be formed to examine problems with water quality.**

*Finding: Dunes City has established a Water Quality Committee that has provided the Planning Commission and City Council with information and recommendations regarding water quality over the years. By providing an opportunity for both the Planning Commission and the City Council to investigate and determine whether to allow the conditional use of land for marijuana-related activities, and to set conditions upon which the marijuana-related activities can take place in the R-1 and Community Commercial districts, an opportunity will exist to ensure the continued water quality of Siltcoos and Woahink Lakes.*

*The proposal is consistent with this policy because even though no clear correlation has been established between marijuana-related land use and the water quality of Siltcoos and Woahink Lakes, Ordinance No. 247 is intended to improve upon the existing state regulatory requirements for marijuana-related activities for the benefit of all residents in Dunes City. **This criterion is met.***

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| <b>AIR, LAND AND WATER QUALITY</b> |
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**Policy E1. The city shall strive to preserve the quality of the land, air, and water resources in the city.**



*Finding: Water quality in Siltcoos Lake has been declared to have been “impaired” due to weeds and algae by the EPA since the 1960’s and DEQ has placed it on their list of impaired water bodies. Water quality data has shown a decrease in phosphorus levels beginning in January of 2010, when the statewide ban on cleansing agents containing phosphate went into effect.*

*The proposal is consistent with this policy because it requires a review of the proposed marijuana-related activities to be conducted by the Planning Commission and the City Council, and further allows conditions to be placed on the marijuana-related activities to ensure the preservation of the quality of the land, air, and water resources in this city. **This criterion is met.***

**Policy E2. All development in the city shall comply with DEQ’s applicable air and water quality standards and noise control standards.**

*Finding: The proposal is consistent with this policy because it requires a review of the proposed marijuana-related activities to be conducted by the Planning Commission and the City Council, and further allows conditions to be placed on the marijuana-related activities to ensure the compliance with DEQ’s applicable air and water quality standards and noise control standards. **This criterion is met.***

**Policy E3. Waste discharges from future facilities shall not exceed the carrying capacity nor degrade the quality of the land, air, and water resources.**

*Finding: The proposal is consistent with this policy because it requires a review of the proposed marijuana-related activities to be conducted by the Planning Commission and the City Council, and further allows conditions to be placed on the marijuana-related activities to ensure waste discharges from facilities do not exceed the carrying capacity nor degrade the quality of the land, air, and water resources. **This criterion is met.***

**Policy E4. Regulations involving land, air, and water resources of the city shall be based upon long-term capabilities of the available natural resources to both support economic activity and absorb the future, resulting man-made pollutants.**

*Finding: The proposal is consistent with this policy because it requires a review of the proposed marijuana-related activities to be conducted by the Planning Commission and the City Council, and further allows conditions to be placed on the marijuana-related activities to ensure the long-term capabilities of the available natural resources will support economic activity and absorb the future, resulting man-made pollutants. **This criterion is met.***

*To ensure coordination with appropriate agencies, referrals were sent to the Dunes City Building Official, OHA, OLCC, and to DLCD notifying them of the proposed amendments, public hearing dates and requesting comments. **This criterion is met.***

**Policy E7. Dunes City shall draft ordinances regulating nonpoint source polluted runoff into lakes and streams.**

*Finding: The proposal is consistent with this policy because it requires a review of the proposed marijuana-related activities to be conducted by the Planning Commission and the City Council, and further allows conditions to be placed on the marijuana-related activities to ensure, to the extent possible, that no nonpoint source polluted runoff enters into lakes and streams in the City. **This criterion is met.***

**Policy E10. Future land developments shall demonstrate adequate water supply.**

*Finding: The proposal is consistent with this policy because it requires a review of the proposed marijuana-related activities to be conducted by the Planning Commission and the City Council, and further allows conditions to be placed on the marijuana-related activities to ensure an adequate water supply for the marijuana-related activities is a State approved water supply. **This criterion is met.***

## **COMMERCIAL LAND USE**

**Policy I-7. Commercial establishments shall comply with the goals and policies for natural resources and physical environment.**

*Finding: The proposal is consistent with this policy because it requires a review of the proposed marijuana-related activities to be conducted by the Planning Commission and the City Council, and further allows conditions to be placed on the marijuana-related activities to ensure the preservation of the quality of the land, air, and water resources in this city. **This criterion is met.***

**Policy I-9. Commercial activity in residential districts shall be limited to the home occupations listed in the applicable zoning ordinance.**

*Finding: The proposal is consistent with this policy because it requires a review of the proposed marijuana-related activities to be conducted by the Planning Commission and the City Council, and further allows conditions to be placed on the marijuana-related activities to ensure the proposed activity is limited to a home occupation. **This criterion is met.***

## **AGRICULTURE**

**Policy M-1. Dunes City shall permit agricultural usage of land that is consistent with water quality protection.**

*Finding: The proposal is consistent with this policy because it requires a review of the proposed marijuana-related activities to be conducted by the Planning Commission and the City Council, and further allows conditions to be placed on the marijuana-related*

activities to ensure the marijuana-related activities will be consistent with water quality protection. ***This criterion is met.***

**V. CONSISTENCY WITH OREGON REVISED STATUTES**

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| <b>ORS 197.610 SUBMISSION OF PROPOSED COMPREHENSIVE PLAN OR<br/>LAND USE REGULATION CHANGES TO DEPARTMENT OF<br/>LAND CONSERVATION AND DEVELOPMENT</b> |
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- (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.**

*Finding: Notice of the proposed amendments to Dunes City Code Title XV, Chapter 155, contained in Ordinance No. 247 was submitted to the Oregon Department of Land Conservation and Development on May 3, 2018, 47 days prior to the first evidentiary hearing before Planning Commission. Dunes City Code Section 155.4.1.7 (Type IV Procedure) B(2)(d) requires that DLCD be notified in writing of a proposed Comprehensive Plan and development code amendments at least 45 days before the first public hearing at which public testimony or new evidence will be received. ***This criterion is met.****

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| <b>ORS 227.186 NOTICE TO PROPERTY OWNERS OF HEARING ON CERTAIN<br/>ZONE CHANGE</b> |
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- (2) All legislative acts relating to comprehensive plans, land use planning or zoning adopted by a city shall be by ordinance.**

*Finding: If adopted, Ordinance No. 247 will amend Dunes City's Land Use Code. ***This criterion is met.****

- (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.**

*Finding: Notice of the proposed changes to the Dunes City Land Use Code was mailed to owners of real property in Dunes City on May 23, 2018, more than 20 days but less than 40 days prior to the first evidentiary hearing on June 28, 2018. ***This criterion is met.****

## **VI. CONSISTENCY WITH RELEVANT STATEWIDE PLANNING GOALS**

### **GOAL 1: CITIZEN INVOLVEMENT - OAR 660-015-0000(1)**

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

*Finding: Citizens have been provided opportunities to be involved in all phases of the planning process. A CAC was formed for purposes of reviewing Dunes City Code of Ordinances Title XV, entitled "Land Usage." Part of the instructions to the CAC was to review the portions of the Code that address permitted uses of land in the R-1 and Community Commercial districts. Public notice of the public hearings on the proposed code amendments and how to participate in the public hearing before the Planning Commission and City Council was mailed to all real property owners of Dunes City, and notice was published in the local newspaper, posted at City Hall and the Westlake post office, and the City's website. Announcements about the proposed land use changes and the public hearings were made at Citizens Advisory Committee, Planning Commission and City Council meetings. Widespread public involvement was solicited and provided for through all phases of the planning process. **This criterion is met.***

### **GOAL 2: LAND USE PLANNING - OAR 660-015-0000(2)**

**To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.**

*Finding: The land use planning process involved the Planning Commission first addressing the issue and then referring it to a Citizens Advisory Committee and onto City Council for action consistent to the Comprehensive Plan, and Dunes City Development Code. Public hearings were held consistent with the Type IV legislative process of Dunes City Development Code. **This criterion is met.***

### **GOAL 6: AIR, WATER & LAND RESOURCES QUALITY - OAR 660-015-0000(6)**

**To maintain and improve the quality of the air, water and land resources of the state.**

*Finding: The proposal is consistent with this policy because it allows for a review of the proposed marijuana-related activities to be conducted by the Planning Commission and the City Council, and further allows conditions to be placed on the marijuana-related activities to ensure preservation of the quality of land, air, and water resources in the City. **This criterion is met.***

#### **GOAL 9: ECONOMIC DEVELOPMENT - OAR 660-015-0000(9)**

**To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.**

*Finding: Recreational marijuana businesses have the ability to allow for diversification and increased economic growth. **This criterion is met.***

#### **GOAL 11: PUBLIC FACILITIES & SERVICES - OAR 660-015-0000(11)**

**To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.**

*Finding: A statement from the City of adequate public facilities to include, water, electric and sewer to serve proposed development, without the detriment of existing service, is an application requirement for recreational marijuana producers. **This criterion is met.***

#### **GOAL 16: ESTUARINE RESOURCES - OAR 660-015-0010(16)**

**To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.**

*Finding: The proposal is consistent with this policy because it allows for a review of the proposed marijuana-related activities to be conducted by the Planning Commission and the City Council, and further allows conditions to be placed on the agricultural activities to ensure the preservation of the waterways, geologic, and wooded integrity of the open space, scenic areas, and natural resources. **This criterion is met.***

#### **GOAL 17: COASTAL SHORELANDS – OAR 660-015-0010(2)**

**To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and To reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.**

*Finding: The proposal is consistent with this policy because it allows for a review of the proposed marijuana-related activities to be conducted by the Planning Commission and the City Council, and further allows conditions to be placed on the agricultural activities to ensure the preservation of the waterways, geologic, and wooded integrity of the open space, scenic areas, and natural resources. **This criterion is met.***

#### **GOAL 18: BEACHES AND DUNES – OAR 660-015-0010(3)**

**To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas.**

*Finding: The proposal is consistent with this policy because it allows for a review of the proposed marijuana-related activities to be conducted by the Planning Commission and the City Council, and further allows conditions to be placed on the activities to ensure the preservation of the waterways, geologic, and wooded integrity of the open space, scenic areas, and natural resources. **This criterion is met.***

#### **GOAL 19: OCEAN RESOURCES – OAR 660-015-0010(4)**

**To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.**

*Finding: The proposal is consistent with this policy because it allows for a review of the proposed marijuana-related activities to be conducted by the Planning Commission and the City Council, and further allows conditions to be placed on the agricultural activities to ensure the preservation of the waterways, geologic, and wooded integrity of the open space, scenic areas, and natural resources. **This criterion is met.***

### **VII. FINDINGS OF FACT, CONCLUSIONS AND DECISION**

Based on the findings in Section III Review of Applicable Criteria, Section IV Consistency with Comprehensive Plan, Section V Consistency with Oregon Revised Statutes, and Section VI Consistency with Statewide Planning Goals, findings support a Planning Commission recommendation to the City Council to adopt Ordinance No. 247.

The Planning Commission may:

- A. Accept the Staff Report/Findings of Fact and Ordinance No. 247 as presented and recommend that the City Council adopt Ordinance No. 247;
- B. Amend the Staff Report/Findings of Fact (and/or amend Ordinance No. 247) and then accept the amended Staff Report/Findings of Fact (and/or the amended Ordinance No. 247 and recommend that the City Council adopt Ordinance No. 247 as presented (or amended).
- C. Recommend that the City Council not adopt Ordinance No. 247 based on Findings of Fact identified by the Commission through additional facts or insights or other information identified by the Commission but not included in the Staff Report/Findings of Fact.

## **VIII. EXHIBITS**

- A. Ordinance No. 247, “An Ordinance Amending Section 155.2.1.111 to add Marijuana Producers to the list of Conditional Uses that require a Conditional Use Permit in the R-1 zone; Adding a new Section 155.2.1.270 to add special standards that Recreational Marijuana Producers and Recreational Marijuana Production must meet in the R-1 zone, Adding new provisions to terminate any Conditional Use Permit granted under the terms of this Section 155.2.1 upon any change of use or ownership of the real property for which the Conditional Use Permit was granted; Amending Section 155.2.2.111 to add Recreational Marijuana Processors to the list of Conditional Uses that require a Conditional Use Permit in the Community Commercial district; Adding a new Section 155.2.2.220 to add special standards that must be met for Recreational Marijuana Processors in the Community Commercial District, Adding new provisions to terminate any Conditional Use Permit granted under the terms of this Section 155.2.2 upon any change of use or ownership of the real property for which the Conditional Use Permit was granted; Correcting formatting errors and other matters related thereto.”
- B. Chapter 155.2 (Land Use Districts) with changes inserted.

