

Legislative Amendment 16-02

New language is shown bold and underline

Language proposed for deletion is shown ~~struck-through~~

Proposed amendments to Monmouth City Code (MCC) Section 18.45.010 - Definitions:

18.45.010 Definitions.

“Drive-In or Drive-Through Facilities” mean sites and building features such as driveway approaches, internal circulation, and exterior vending facilities that allow motor vehicle drivers to complete transactions for retail goods or services without leaving their vehicle. Vehicle service and repair facilities are not considered drive-in facilities even if the service or repair can be conducted without the driver leaving the vehicle.

“Marijuana” means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. Marijuana does not include industrial hemp as defined in ORS 571.300.

“Marijuana Waste” means the unwanted part or parts of a marijuana plant including but not limited to, trimmings, shake, stems, remnants, by-products or any other vegetative elements of a marijuana plant that a generator wishes to dispose of. Marijuana waste for the purposes of this Code does not include part or parts of a marijuana plant that have been treated or contaminated with solvents, or other chemicals that would be considered household hazardous waste or hazardous waste.

“Recreational marijuana processing facility” means a building or structure used in whole or in part for processing recreational marijuana as defined in ORS 475B.015(26), as the processing, compounding or conversion of marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extracts, and which is licensed by the Oregon Liquor Control Commission. Processing does not include packaging or labeling.

“Recreational marijuana production facility” means a building or structure used in whole or in part for producing recreational marijuana as defined in ORS 475B.015(25), as the manufacture, planting, cultivation, growing or harvesting of marijuana, and which is licensed by the Oregon Liquor Control Commission. Producing does not include drying or cultivation of immature plants received from a producer, or the cultivation and growing of an immature marijuana plant by a processor, wholesaler, or retailer if that party purchased or otherwise received the plant from a licensed producer.

“Recreational marijuana retail facility” means a building or structure used in whole or in part for retail sales to a consumer of marijuana, cannabinoid products, and miscellaneous items, and which is licensed by the Oregon Liquor Control Commission.

“Recreational marijuana testing laboratory” means a building or structure used in whole or in part for testing of marijuana items, and which is licensed by the Oregon Liquor Control Commission.

“Recreational marijuana wholesale sales facility” means a building or structure used in whole or in part for wholesale sales of marijuana, cannabinoid products, and miscellaneous items to a person other than a consumer, and which is licensed by the Oregon Liquor Control Commission.

Proposed amendments adding MCC Section 18.05.215 – Recreational Marijuana Facilities:

18.05.215 Recreational marijuana facilities.

(1) Characteristics. Five types of recreational marijuana facilities are defined in Section 18.45.010. For purposes of this Code, recreational marijuana facilities must be licensed by the Oregon Liquor Control Commission. A facility not licensed by the Oregon Liquor Control Commission is not permitted in any zone.

(2) Standards for recreational marijuana retail sales facilities.

(a) Public Access Prohibited. Access to a retail sales facility shall be limited to persons age 21 and older, except as provided by state law.

(b) Hours of Operation. Retail sales facilities shall operate only between the hours of 10:00 a.m. to 8:00 p.m. Monday through Thursday; and 10:00 a.m. to 10:00 p.m. Friday, Saturday and Sunday. An individual facility may set hours within those specified, but may not be open outside the hours authorized under this subsection.

(c) Security Measures Required.

(i) Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.

(ii) Facilities must maintain adequate outdoor lighting over each exterior exit.

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

(iv) A retail sales facility shall not have a drive-in or drive-through facility.

(d) Proximity restrictions. A retail sales facility shall not be located within 1,000 feet of a public or private elementary, middle, or high school or other school attended primarily by children under 18 years of age.

(3) Standards for recreational marijuana production, processing, testing laboratories, and wholesale sales facilities.

(a) Approval process. Where permitted in industrial zones, recreational marijuana facilities are subject to approval under Section 18.10.120 - Design review. Applications for design review approval shall include detailed responses to the applicable standards listed in this section.

(b) Facility construction requirements. Recreational marijuana production, processing, testing laboratories, and wholesale sales facilities shall only take place indoors within new or existing buildings.

(i) For production facilities, views from the exterior of the building into the production area are prohibited. Views of interior lighting in the production area from the exterior of the building are also prohibited.

(c) Public access prohibited. Access to an industrial facility shall be limited to persons age 21 and older, except as provided by state law.

(d) Security measures required

(i) Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.

(ii) Exterior lighting shall be provided and continuously maintained consistent with the standards of the applicable industrial zone.

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

(e) Odor mitigation measures required. Production and processing facilities shall install and maintain enhanced ventilation systems designed to prevent detection of marijuana odor from adjacent properties or the public right-of-way. Such systems shall include the following features:

(i) Installation of activated carbon filters on all exhaust outlets to the building exterior;

(ii) Location of exhaust outlets a minimum of 10 feet from the property line and 10 feet above finished grade; and

(iii) Maintenance of negative air pressure within the facility; or

(iv) An alternative odor control system approved by the Building Official based on a report by a mechanical engineer licensed in the State of Oregon, demonstrating that the alternative system will control odor equally or better than the required activated carbon filtration system.

(f) Waste security measures required.

(i) Prior to disposal, marijuana waste shall be rendered unusable by either grinding and mixing (at a ratio of at least 1:1) with other compostable materials or yard waste, or by mixing with non-compostable solid waste such as paper, cardboard, plastic, soils, or other approved materials.

**(ii) Marijuana waste shall be temporarily stored in an indoor container until it is rendered unusable.**

**(iii) Any facility generating marijuana waste shall use the services of a solid waste franchisee or self-haul such materials to a properly licensed and approved solid waste disposal or recycling facility.**

**Proposed amendments to MCC Section 18.10.120 – Design Review:**

**18.10.120 Design review.**

(6) Industrial Developments. Industrial developments shall demonstrate compliance with all of the applicable development standards of the applicable industrial zone, including design review standards and industrial performance standards. **Recreational marijuana production and processing facilities, testing laboratories, and wholesale sales facilities shall demonstrate compliance with the applicable standards from MCC 18.05.125.**

**Proposed amendments to MCC Chapter 18.75 – Commercial Highway (CH) Zone:**

**18.75.020 Permitted uses.**

Within a CH zone, no structure shall be used, constructed, erected, or altered and no lot shall be used or occupied for any purposes except the following:

**(26) Recreational marijuana retail facility, subject to the requirements of MCC 18.05.125.**

**Proposed amendments to MCC Chapter 18.80: Commercial Retail (CR) Zone:**

**18.80.020 Permitted uses.**

Within any CR zone, the following uses shall be permitted:

**(8) Recreational marijuana retail facility, subject to the requirements of MCC 18.05.125.**

**Proposed amendments to MCC Chapter 18.85: Commercial Retail Transitional (CRT) Zone:**

**18.85.030 Permitted uses.**

Within any CRT zone, the following uses shall be permitted:

**(17) Recreational marijuana retail facility, subject to the requirements of MCC 18.05.125.**

**Proposed amendments to MCC Chapter 18.90: Main Street District (MSD) Zone:**

**18.90.030 Permitted land uses.**

The following land uses are permitted in the Main Street district zone, subject to the provisions of this chapter:

**(4) Commercial:**

**(n) Recreational marijuana retail facility, subject to the requirements of MCC 18.05.125.**

**Proposed amendments to MCC Chapter 18.95: Light Industrial (IL) Zone:**

**18.95.020 Permitted uses.**

Within any IL zone, no structure shall be used, constructed, erected, or altered and no lot shall be used or occupied for any purposes except the following:

**(19) Recreational marijuana facilities:**

**(a) Recreational marijuana processing facility, subject to the requirements of MCC 18.05.125;**

**(b) Recreational marijuana production facility, subject to the requirements of MCC 18.05.125;**

**(c) Recreational marijuana testing laboratory, subject to the requirements of MCC 18.05.125;**

**(d) Recreational marijuana wholesale sales facility, subject to the requirements of MCC 18.05.125.**

**Proposed amendments to MCC Chapter 18.100: Industrial Park (IP) Zone:**

**18.100.020 Permitted uses.**

Within any industrial park zone, no structure shall be used, constructed, erected, or altered and no lot shall be used or occupied for any purposes except those uses listed in this section and found to be in conformance with the review procedures of MCC 18.100.130 and below:

**(17) Recreational marijuana facilities:**

**(a) Recreational marijuana processing facility, subject to the requirements of MCC 18.05.125;**

**(b) Recreational marijuana production facility, subject to the requirements of MCC 18.05.125;**

**(c) Recreational marijuana testing laboratory, subject to the requirements of MCC 18.05.125;**

**(d) Recreational marijuana wholesale sales facility, subject to the requirements of MCC 18.05.125.**

**Proposed amendments to MCC Chapter 18.105: General Industrial (GI) Zone:**

**18.105.020 Permitted uses.**

Within the general industrial zone, no structure shall be used, constructed, erected, or altered and no lot shall be used or occupied for any purposes except those uses listed in this section and found to be in conformance with the review procedures of MCC 18.105.100 and below:

**(10) Recreational marijuana facilities:**

- (a) Recreational marijuana processing facility, subject to the requirements of MCC 18.05.125;**
- (b) Recreational marijuana production facility, subject to the requirements of MCC 18.05.125;**
- (c) Recreational marijuana testing laboratory, subject to the requirements of MCC 18.05.125;**
- (d) Recreational marijuana wholesale sales facility, subject to the requirements of MCC 18.05.125.**

**Proposed Amendments to MCC Chapter 18.50: Low Density Residential (RS) Zone:**

**18.50.045 Prohibited uses.**

**Only the uses listed under MCC 18.50.030, Permitted uses and 18.50.040, Conditional uses, are allowed in the RS Zone. All other uses are not allowed. Without limitation of the foregoing, the following uses are listed as specifically prohibited activities.**

- (1) Recreational marijuana production facility as defined in 18.45.010.**
- (2) Recreational marijuana processing facility as defined in 18.45.010.**

**Proposed Amendments to MCC Chapter 18.55: Medium Density Residential (RM) Zone:**

**18.55.045 Prohibited uses.**

**Only the uses listed under MCC 18.55.030, Permitted uses and 18.55.040, Conditional uses, are allowed in the RM Zone. All other uses are not allowed. Without limitation of the foregoing, the following uses are listed as specifically prohibited activities.**

- (1) Recreational marijuana production facility as defined in 18.45.010.**
- (2) Recreational marijuana processing facility as defined in 18.45.010.**

**Proposed Amendments to MCC Chapter 18.60: High Density Residential (RH) Zone:**

**18.60.045 Prohibited uses.**

Only the uses listed under MCC 18.60.030, Permitted uses and 18.60.040, Conditional uses, are allowed in the RH Zone. All other uses are not allowed. Without limitation of the foregoing, the following uses are listed as specifically prohibited activities.

(1) Recreational marijuana production facility as defined in 18.45.010.

(2) Recreational marijuana processing facility as defined in 18.45.010.

**Proposed Amendments to MCC Chapter 18.65: Mixed Density Residential (MX) Zone:**

**18.65.050 Prohibited uses.**

~~Generally, o~~Only the uses listed under MCC 18.65.040, Permitted uses, **and MCC 18.65.060 Conditional uses** are allowed in the MX zone. All other uses are not allowed. Without limitation of the foregoing, the following uses are listed as specifically prohibited activities.

(1) Any commercial use that is directed to patrons who are encouraged by the site layout or buildings to remain in their automobile while receiving goods or services.

(2) Light industrial.

(3) Kennel.

(4) Recreational vehicle park.

(5) Recreational marijuana production facility as defined in 18.45.010.

(6) Recreational marijuana processing facility as defined in 18.45.010.

**Proposed Amendments to MCC Chapter 18.30: Home Occupations:**

**18.30.040 Prohibited home occupation uses.**

(1) Any activity that produces radio or TV interference, noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, State, or Federal standards, or that can be detected beyond the property lines, is prohibited.

(2) Any activity involving on-site retail sales is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music by a music teacher or the sale of computer software from computer consultants, and similar incidental items for sale by home business are allowed subject to all other provisions of this chapter.

(3) Any uses described in the section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, such as:

(a) Ambulance and towing services;

(b) Animal hospital, veterinary services, kennels, animal boarding;

(c) Auto and other vehicle repair; and

(d) Repair, conditioning, or storage of motorized vehicles, boats, recreational vehicles, airplanes, or large equipment on site. (Code 1983 § 90.612.)

**(e) Recreational marijuana retail facility as defined in 18.45.010.**

**(f) Recreational marijuana production facility as defined in 18.45.010.**

**(g) Recreational marijuana processing facility as defined in 18.45.010.**