



**CITY COUNCIL AGENDA**  
**October 10, 2016, 6:30PM**  
**Regular Meeting**

CITY COUNCIL CHAMBERS, CITY HALL  
 29592 ELLENSBURG AVE  
 GOLD BEACH OR 97444

Call to order:            Time: \_\_\_\_\_

1.     **The pledge of allegiance**
2.     **Roll Call:**

	Present	Absent
Mayor Karl Popoff		
Council Position #1 Melinda McVey		
Council Position #2 Larry Brennan		
<b>Council Position #3 Becky Campbell</b>		
<b>STARTING VOTE</b>		
Council Position #4 Doug Brand		
Council Position #5 Tamie Kaufman		
City Administrator Jodi Fritts		
Student Liaison VACANT		

3.     **Special Orders of Business:**  
       None Scheduled
  
4.     **Consent Calendar:**  
       None Scheduled
  
5.     **Citizens Comments**  
       As presented to the Mayor at the beginning of the meeting
  
6.     **Public Hearing**  
       Official public review of proposed zoning code amendments for:
  - Accessory Dwelling Units (ADUs) and Tiny House provisions
  - Recreational & Medical Marijuana Dispensaries conditionally in 4-C & 5-I
  
7.     **Citizen Requested Agenda Items**  
       None Scheduled
  
8.     **Public Contracts and Purchasing**  
       None Scheduled
  
9.     **Ordinances & Resolutions**

*The City of Gold Beach is dedicated to enhancing quality of life, while promoting health, safety, and welfare of our citizens, businesses, and visitors in the most fiscally responsible manner. In doing this, the City will respect the past, respond to current concerns, and plan for the future, while maintaining environmental sensitivity in our beach oriented community*

**10. Miscellaneous Items (including policy discussions and determinations)**

None Scheduled

**11. City Administrator's Report**

To be presented at the meeting

**12. Mayor and Council Member Comments**

a. Mayor Karl Popoff

b. Councilors

1) Melinda McVey

2) Larry Brennan

3) Becky Campbell

4) Doug Brand

5) Tamie Kaufman

c. Student Liaison, Vacant

**13. Citizens Comments**

As permitted by the Mayor

**14. Executive Session**

**No executive session is scheduled**

The next regularly scheduled City Council meeting is **Monday, November 14, 2016, at 6:30PM** in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

**15. Adjourn Time: \_\_\_\_\_**

*The City of Gold Beach is dedicated to enhancing quality of life, while promoting health, safety, and welfare of our citizens, businesses, and visitors in the most fiscally responsible manner. In doing this, the City will respect the past, respond to current concerns, and plan for the future, while maintaining environmental sensitivity in our beach oriented community*



**SECTION 6.  
PUBLIC HEARING**

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**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**

Agenda Item No. 6 a.  
Council Meeting Date: October 10, 2016

**TITLE: 1<sup>st</sup> Public Hearing on proposed Zoning Code  
Revisions for Marijuana Zoning Regulations and Tiny  
Houses & ADUs**

**SUMMARY AND BACKGROUND:**

**October Agenda Report**

The proposed revisions have been provided previously to allow time to review them prior to the first public hearing.

The following comments were previously received from our legal counsel for your consideration:

**4-C Commercial Zone**

The amendment is proposing to allow medical marijuana dispensaries, recreational marijuana wholesalers, recreational marijuana retailers, medical grow sites and recreational producers (but not medical or recreational processing facilities) as conditional uses in the commercial zone. If the City wants to *exclude* processing facilities, the exclusion must be specifically stated, because manufacturing/compounding/processing activities are outright permitted uses in the zone. Tire retreading etc., are excluded from that use category so recreational processors and medical processing sites could be just added to the list of exclusions.

**5-I Industrial Zone**

The amendment is proposing to allow medical marijuana dispensaries, recreational marijuana wholesalers, recreational marijuana retailers, medical grow sites and recreational producers (but not processing facilities) as conditional uses in the industrial zone. It appears the same exclusion for processors as mention above may be the aim, but one of the proposed conditions is that marijuana oil production and distillation is *only* allowed in the industrial zone, so maybe processors are OK? If exclusion is the intent then they should be specifically excluded, but if you want to allow them, you can add them to the list of conditional uses.



**SECTION 6.  
PUBLIC HEARING**

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Residential Zones

No changes are proposed in the residential zones, but without some amendments marijuana facilities could locate in those zones. Both 1-R and 3-R allow farming on sites of one acre or more as an outright permitted use. Both recreational producers and medical marijuana grow sites would qualify as “farming.” There may not be many city parcels large enough to allow farming, but if you want to be sure that farming does not mean marijuana production you will want to clarify that in the definitions or the use list.

Similarly, all three residential zones allow home occupations. It looks like the intent behind the home occupations provision was to restrict home occupations to services, but the code lists caterers as an allowed home occupation. Someone could argue that at least marijuana processors could qualify. The home occupation definition could be clarified so that marijuana facilities are not home occupations.

For your information, state law prohibits recreational retail facilities, recreational wholesale facilities and recreational processors that process extracts from “areas zoned exclusively for residential use.” Medical dispensaries and medical processors that process extracts may not be located in areas zoned for residential use (there is no “exclusive” requirement for medical – who knows why). Medical and recreational processors that do not process extracts and medical and recreational grows can locate in residential zones under state law. If the City does not want grows or processing sites in your residential zones (other than the medical grows that may already exist), you will want to close those farming and home occupations loopholes.

BUFFERS

I recommend amending the conditions to clarify how buffers will be measured. The way we have seen buffers implemented (and the way that the state measures the 1000 foot buffers around schools) is a straight line measurement in a radius extending for \_\_\_\_ feet or less in any direction from the closest point anywhere on the boundary line of the real property on which, for example, a residential use is located, to the closest point of on the boundary line of the real property where the marijuana facility is located. So it is a property line to property line measurement. If the City uses this type of measurement, then no portion of a piece of real property on which a marijuana facility is located can fall within the buffer. There are probably other ways to describe a buffer (measuring building to building for the buffer between marijuana facilities), but measuring from the property line is probably the most straightforward (and marijuana facilities should be familiar with that method of measurement because it is used by the State).



**SECTION 6.  
PUBLIC HEARING**

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**OCTOBER REQUESTED ACTION:**

**Discuss and take testimony, if any, from the audience. Nothing will be adopted this evening, changes/additions/deletions will be incorporated and I will present a formal ordinance for the November meeting.**

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**PRIOR REPORTS ON THIS TOPIC**

**From August Agenda Report**

I provided the drafts of the PC recommended changes to the land use code in May hoping to have them formally reviewed in June or July. I am providing the copies again with additional definitions as recommended by legal counsel. I also have comments from her we will discuss at the meeting.

**From May Agenda Report**

The Council directed staff earlier this year to have the Planning Commission review possible amendments to the Zoning Code for Medical & Recreational Marijuana businesses, and also a citizen requested amendment to allow for Tiny Houses.

The PC met in three workshop sessions and drafted and revised proposed amendments to the zoning code. Attached are their proposals. This are for REVIEW ONLY tonight and discussion at the June meeting and possible adoption in July or August.



# **PROPOSED ADU & TINY HOUSE ZONING CODE AMENDMENTS**

**PROPOSED AMENDMENTS TO GBZO TO ALLOW FOR ACCESSORY DWELLING  
UNITS (ADUs) & TINY HOUSES WITHIN THE  
RESIDENTIAL (1-R, 2-R, 3-R) AND COMMERCIAL (4-C) ZONES**

Existing zoning ordinance language is in regular format  
Proposed amendments ***Bold & Italics***

**ADD to Section 1.030 DEFINITIONS**

***ACCESSORY DWELLING UNIT (ADU) means a smaller secondary home on the same lot as a primary dwelling having a total square footage of 200'-500' square feet. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, water and sanitary sewer utilities. There are two types of ADUs:***

- 1) "Garden" or "Granny" cottages which are detached structures (e.g. conversion of existing detached garage or accessory structure).***
- 2) Accessory suites or "mother-in-law" apartments which are attached or part of the primary dwelling (e.g. converted living space, apartments over garages, basements or attics; additions to existing dwellings, or any combination thereof).***

***TINY HOUSE means a single-family dwelling of conventional or modular construction which is 200'-600' square feet which are independently habitable and provide the basic requirements of shelter, heating, cooking, water and sanitary sewer utilities.***

***Tiny Houses are subject to the following siting standards:***

- 1) Must be sited on a legally created parcel and are subject to the setback requirements of the underlying zone.***
- 2) If the structure is of modular construction the siting standards of Section 3.045 (2, 3, & 4) shall apply to the placement of the dwelling.***

**ARTICLE II. Use Zones**

**Residential Zone (1-R)**

**Section 2.010. Purpose of Classification.**

The 1-R zone is designated to be applied to residential areas where housing is typically single-family and duplex residences.

**Section 2.020. Uses Permitted Outright.**

In a 1-R zone, the following uses and their accessory uses are permitted outright:

1. Single-family dwelling, ~~or a~~ manufactured home or TINY HOUSE which complies with the requirements set forth in Section 3.045.
2. Duplex
3. The temporary use of a recreational vehicle by the lot owner, family of the lot owner or nonpaying guests of the lot owner. The use is deemed to be temporary if the recreational vehicle is occupied for fewer than 15 consecutive days in any 30 day period.
4. PERSONAL NON-COMMERCIAL Farming where ~~building site~~ PARCEL is one (1) acre or more, but not including livestock.
5. Home Occupations subject to the general standards listed in Section 3.050.
6. A Residential Home as defined in ORS 197.660(2).
7. Registered or certified family child care home pursuant to ORS 657A.440.
8. Accessory Dwelling Unit subject to the specific standards listed in Section 3.040

**Section 2.030. Conditional Uses Permitted.**

In a 1-R zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

1. Place of worship, school, grange hall or community building.
2. Public use facility or public utility, including but not limited to fire stations and parks.(1)
3. Recreational vehicle temporarily used during construction of a permitted use for a period not to exceed twelve months.

4. Utility facility, including substation or pumping station or private generator. (1)
5. Communications transmitter, receiver, antenna or tower. (1)
6. Planned Unit Development in compliance with Article V.
7. Wind generators (1).
8. Home occupations not meeting the general standards of Section 3.050, including bed and breakfast inns, in compliance with Sections 3.050 and 6.010.
9. Use of an existing dwelling unit as a vacation rental dwelling. (4) (and Section 6.050 & 6.051).

**Section 2.040. Lot size.**

Except as provided in Sections 4.040 and 4.050 in a 1-R zone:

1. Lot sizes suitable for building shall be dependent on the availability of public water and sewage systems. If the lot is not served by both a public water and sewer system, the lot area shall conform to the state and county requirements for water supply and sewage disposal.
2. The minimum lot area shall be five thousand (5,000) square feet when both a public water and sewage system are available.
3. ***Smaller minimum lot area down to three thousand (3,000) square feet may be permitted specifically for tiny house use subject to review by the Planning Commission pursuant to the procedural standards of Article VI-Conditional Uses.***
4. The minimum average lot width shall be fifty (50) feet.

**Section 2.050. Set-Back Requirements.**

Except as provided in Section 4.010 and 4.030 in a 1-R zone, yards shall be as follows:

1. The front yard shall be a minimum of ten (10) feet.
2. The side yard shall be a minimum of five (5) feet.
3. The rear yard shall be a minimum of five (5) feet.

**Section 2.060. Height of Buildings.**

1. Except as provided in Section 4.020 in a 1-R zone, no building shall exceed twenty-five (25) feet in height. ***Height of ADUs and Tiny Houses are subject to subsection 2 below.***

**2. ADUs and Tiny Houses shall not exceed fifteen (15) feet in height.**

**Residential Zone (2-R)**

**Section 2.110. Purpose of Classification.**

The 2-R zone is designed to be applied to residential areas and recognizes the trend toward homes of other than conventional construction.

**Section 2.120. Uses Permitted Outright.**

In a 2-R zone, the following uses and their accessory uses shall be permitted outright:

1. Single-family dwelling, ~~or~~ a manufactured or mobile home **or TINY HOUSE which complies with the requirements set forth in Section 3.045.**
2. The temporary use of a recreational vehicle by the lot owner, family of the lot owner or nonpaying guests of the lot owner. The use is deemed to be temporary if the recreational vehicle is occupied for fewer than 15 consecutive days in any 30 day period.
3. Duplex
4. Home Occupations meeting the general standards of Section 3.050.
5. A Residential Home as defined in ORS 197.660(2).
6. Registered or certified family child care home pursuant to ORS 657A.440.
7. **Accessory Dwelling Unit subject to the specific standards listed in Section 3.040**

**Section 2.130. Conditional Uses Permitted.**

In a 2-R zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

1. Mobile or manufactured home park subject to compliance with local building code requirements. (2)
2. Place of worship, school, grange hall, or community building.
3. Public use facility such as a fire station or park.

4. Recreational vehicle temporarily used during construction of a permitted use for a period not to exceed twelve months.
5. Utility facility, including substation or pumping station or private generator. (1)
6. Communications transmitter, receiver, antenna or tower. (1)
7. Planned Unit Development on a lot not less than one (1) acre, in compliance with Article V.
8. Wind generators (1).
9. Home occupations not meeting the general standards of Section 3.050, including bed and breakfast inns, in compliance with Sections 3.050 and 6.010.
10. Use of an existing dwelling as a vacation rental dwelling. ~~(3)~~ (4) (and Section 6.050 & 6.051)
11. One manufactured home or mobile home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. (5)
12. Private horse stable where the lot or parcel is one acre or more in size but not including the renting or boarding of horses for profit.
13. Where the lot is one acre or more in size, **PERSONAL NON-COMMERCIAL** farming, including the keeping of livestock for noncommercial use.

**Section 2.140.            Lot Size.**

Except as provided in Sections 4.040 and 4.050 in a 2-R zone:

1. Lot sizes suitable for building shall be dependent on the availability of public water and sewage systems. If the lot is not served by a public water or sewer system, the lot area shall conform to the requirements established by the County Sanitarian to avoid problems of water supply and sewage disposal due to soil structure and water table.
2. When both a public water and sewage system are available:
  - (a) For uses other than a mobile home park, the minimum lot area shall be five-thousand (5,000) square feet.
  - (b) For mobile or manufactured home park, the minimum shall be eight thousand (8,000) square feet or two thousand (2,000) square feet per home space whichever is greater.

3. ***Smaller minimum lot area down to three thousand (3,000) square feet may be permitted specifically for tiny house use subject to review by the Planning Commission pursuant to the procedural standards of Article VI-Conditional Uses.***

3. The minimum average width shall be fifty (50) feet.

**Section 2.150. Set-back Requirements.**

Except as provided in Section 4.010 and 4.030 in a 2-R zone, yards shall be as follows:

1. The front yard shall be a minimum of ten (10) feet
2. The side yard shall be a minimum of five (5) feet.
3. The rear yard shall be a minimum of five (5) feet.

**Section 2.160. Height of Buildings.**

1. Except as provided in Section 4.020 in a 2-R zone, no building shall exceed twenty-five (25) feet in height. ***Height of ADUs and Tiny Houses are subject to subsection 2 below.***
2. ***ADUs and Tiny Houses shall not exceed fifteen (15) feet in height.***

## Residential Zone (3-R)

### Section 2.210. Purpose of Classification.

The 3-R zone is designed to be applied to residential areas where housing demands may justify a higher density.

### Section 2.220. Uses Permitted Outright.

In a 3-R zone, the following uses and their accessory uses are permitted outright:

1. Detached single-family dwelling, attached single-family dwellings (townhouses), duplex, or multi-family dwelling, or TINY HOUSE which complies with the requirements set forth in Section 3.045.
2. The temporary use of a recreational vehicle by the lot owner, family of the lot owner or nonpaying guests of the lot owner. The use is deemed to be temporary if the recreational vehicle is occupied for fewer than 15 consecutive days in any 30 day period.
3. Manufactured home which complies with the requirements set forth in section 3.045.
4. PERSONAL NON-COMMERCIAL Farming where ~~building site~~ PARCEL is one (1) acre or more, but not including livestock.
5. Home Occupations subject to the general standards of Section 3.050.
6. A Residential Home as defined in ORS 197.660(2).
7. A Residential Facility as defined in ORS 197.660(1)
8. Registered or certified family child care home pursuant to ORS 657A.440.
9. Accessory Dwelling Unit subject to the specific standards listed in Section 3.040

### Section 2.230. Conditional Uses Permitted.

In a 3-R zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

1. Place of worship, school, grange hall, or community building.
2. Public use facility such as a fire station or park.

3. Recreational vehicle temporarily used during construction of a permitted use for a period not to exceed twelve months.
4. Utility facility, including substation or pumping station or private generator. (1)
5. Communications transmitter, receiver, antenna or tower. (1)
6. Planned Unit Development on a lot not less than ~~three (3)~~ one (1) acre in compliance with Article V.
7. Hospital, sanitarium, retirement home, medical or dental clinic.
8. Wind generators (1).
9. Home occupations subject to the general standards of Section 3.050, including bed and breakfast inns, in compliance with Sections 3.050 and 6.010.
10. Use of an existing dwelling unit as a vacation rental dwelling. ~~(3)~~ (4) (and Section 6.050 & 6.051)

**Section 2.240. Lot Size.**

Except as provided in Sections 4.040 and 4.050 in a 3-R zone:

1. Lot sizes suitable for building shall be dependent on the availability of public water and sewage systems. If the lot is not served by both a public water and sewer system, the lot area shall conform to the requirements established by the County Sanitarian to avoid problems of water supply and sewage disposal due to soil structure and water table.
2. When both a public water supply and sewage disposal system are available the minimum lot area shall be four-thousand (4000) square feet.
3. ***Smaller minimum lot area down to three thousand (3,000) square feet may be permitted specifically for tiny house use subject to review by the Planning Commission pursuant to the procedural standards of Article VI-Conditional Uses.***
3. The average lot width shall be a minimum of fifty (50) feet.

**Section 2.250. Set-Back Requirements.**

Except as provided in Section 4.010 and 4.030 in a 3-R zone, yards shall be as follows:

1. The front yard shall be a minimum of ten (10) feet.
2. The side yard shall be a minimum of five (5) feet.
3. The rear yard shall be a minimum of five (5) feet.

**Section 2.260.            Height of Buildings.**

- 1. Except as provided in Section 4.020 in a 3-R zone no building shall exceed thirty-five (35) feet in height. *Height of ADUs and Tiny Houses are subject to subsection 2 below.***
  
- 2. *ADUs and Tiny Houses shall not exceed fifteen (15) feet in height.***

## **Commercial Zone (4-C)**

### **Section 2.310. Purpose of Classification.**

The 4-C zone is designed to apply to areas where more complete commercial facilities are necessary for community convenience.

### **Section 2.320. Uses Permitted Outright.**

The 4-C zone is designated to be applied to areas such as community shopping centers and business districts that cater to the needs of nearby residential areas.

1. Hotel, motel, vacation rental, or bed and breakfast inn.
2. Club or lodge hall.
3. Hospital, sanitarium, retirement home, medical or dental clinic.
4. Retail or service establishment.
5. Automobile service station.
6. Machinery, farm equipment, marine, or automotive sales, service, storage, or repair.
7. Building material storage yard.
8. Plumbing, electrical, or paint contractor's storage, repair or sales shop.
9. Wholesale trucking and storage establishment.
10. Park, playground, fire station, library or museum.
11. Office buildings.
12. Place of worship or school.
13. Recreational vehicle park.
14. Machine shop or cabinet shop.
15. Manufacturing, repairing, compounding, processing, storage, research, assembling, or fabricating activities except: tire retreading or vulcanizing shop, and manufacturing plants-- including lumber and plywood mills
16. Airport related buildings if located within the airport property. See airport overlay section

17. Dwelling unit(s) may be located in a building devoted primarily to a non-residential use.

PERMITTED USES WITHIN EXISTING SINGLE-FAMILY/MULTIFAMILY DWELLINGS:

18. Home Occupations subject to the general standards of Section 3.050.

19. A Residential Home as defined in ORS 197.660(2).

20. A Residential Facility as defined in ORS 197.660(1)

21. Registered or certified family child care home pursuant to ORS 657A.440.

**Section 2.330. Conditional Uses Permitted.**

In a 4-C zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

1. Single family dwelling or **TINY HOUSE which complies with the requirements set forth in Section 3.045.**
2. Multiple family dwelling.
3. Planned Unit Development on a lot of at least one (1) acre in area and in compliance with Article V.
4. Utility facility; including substation, pumping station or private generator. (1)
5. Communications transmitter, receiver, antenna or tower. (1)
5. Wind generator (1).
6. Mobile or portable office.
7. Trailer, camping or recreational vehicle temporarily used as a residence during construction of a permitted use or to temporarily provide watchman security for material that cannot be reasonably stored in an established commercial storage facility.
8. **Accessory Dwelling Unit subject to the specific standards listed in Section 3.040**

**Section 2.340. Lot Size.**

Except as provided in Sections 4.040 and 4.050 in a 4-C zone:

The minimum lot size shall be determined by the County Sanitarian as necessary for proper installation and operation of water supply and sewage disposal systems. If both a public water supply and a public sewage disposal system are available, there shall be no minimum lot area; however, the off-street parking ordinance must be conformed with.

**Section 2.350.            Height of Buildings.**

- 1.** Except as provided in Section 4.020 in a 4-C zone, no building shall exceed thirty-five (35) feet in height. ***Height of ADUs and Tiny Houses are subject to subsection 2 below.***
  
- 2.** ***ADUs and Tiny Houses shall not exceed fifteen (15) feet in height.***

**Section 3.040                      Accessory Dwelling Unit (ADU) Standards**

**Purpose. Accessory Dwelling Units (ADU) shall be permitted to provide the following:**

- a) Create new housing units while respecting the look, scale, and feel of the single-family and multi-family dwelling development patterns;**
- b) Offer housing choices with less average space per person;**
- c) Offer housing options to provide for changing family needs, smaller or larger households, multigenerational housing, or reduction in overall housing costs;**
- d) Offer additional housing options for seniors, persons with disabilities, veterans, or financially disadvantaged individuals.**

**Specific ADU siting standards**

- 1) ADUs shall be accessory to an existing single-family, duplex, or multi-family dwelling; and**
- 2) ADUs shall meet the setback requirements of the underlying zone; and**
- 3) ADUs shall be 200'-500' square feet in size; and**
- 4) ADUs shall not be used for vacation rental dwellings or rentals of less than 30 day increments and may not be advertised as such; and**
- 5) Either the primary dwelling or ADU shall be occupied by the owner or a family member of the owner of the subject property.**



**PROPOSED RECREATIONAL  
& MEDICAL MARIJUANA  
ZONING CODE  
AMENDMENTS**

**PROPOSED AMENDMENTS TO GBZO TO ALLOW FOR RECREATIONAL AND  
MEDICAL MARIJUANA DISPENSARIES CONDITIONALLY IN THE  
COMMERCIAL 4-C AND INDUSTRIAL 5-I ZONES**

Existing zoning ordinance language in regular format  
Proposed amendments ***Bold & Italics***

***Add to Section 1.030 Definitions:***

***Marijuana.*** *the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.*

***Marijuana Facility.*** *A Medical Marijuana Grow Site, a Medical Marijuana Processing Site, a Medical Marijuana Dispensary, a Recreational Marijuana Producer, a Recreational Marijuana Processor, a Recreational Marijuana Wholesaler or a Recreational Marijuana Retailer.*

***Medical Marijuana Dispensary.*** *A medical marijuana dispensary registered with the Oregon Health Authority pursuant to ORS 475B.450.*

***Medical Marijuana Grow Site.*** *A medical marijuana grow site registered with the Oregon Health Authority pursuant to ORS 475B.420.*

***Medical Marijuana Processing Site.*** *A medical marijuana processing site registered with the Oregon Health Authority pursuant ORS 475B.435.*

***Recreational Marijuana Processor.*** *A recreational marijuana processor licensed by the Oregon Liquor Control Commission pursuant to ORS 475B.090.*

***Recreational Marijuana Producer.*** *A recreational marijuana producer licensed by the Oregon Liquor Control Commission pursuant to ORS 475B.070.*

***Recreational Marijuana Retailer.*** *A recreational marijuana retailer licensed by the Oregon Liquor Control Commission pursuant to ORS 475B.110.*

***Recreational Marijuana Wholesaler.*** *A recreational marijuana wholesaler licensed by the Oregon Liquor Control Commission pursuant to ORS 475B.100.*

## Commercial Zone (4-C)

### Section 2.310. Purpose of Classification.

The 4-C zone is designed to apply to areas where more complete commercial facilities are necessary for community convenience.

### Section 2.320. Uses Permitted Outright.

The 4-C zone is designated to be applied to areas such as community shopping centers and business districts that cater to the needs of nearby residential areas.

1. Hotel, motel, vacation rental, or bed and breakfast inn.
2. Club or lodge hall.
3. Hospital, sanitarium, retirement home, medical or dental clinic.
4. Retail or service establishment.
5. Automobile service station.
6. Machinery, farm equipment, marine, or automotive sales, service, storage, or repair.
7. Building material storage yard.
8. Plumbing, electrical, or paint contractor's storage, repair or sales shop.
9. Wholesale trucking and storage establishment.
10. Park, playground, fire station, library or museum.
11. Office buildings.
12. Place of worship or school.
13. Recreational vehicle park.
14. Machine shop or cabinet shop.

15. Manufacturing, repairing, compounding, processing, storage, research, assembling, or fabricating activities except: tire retreading or vulcanizing shop, and manufacturing plants-- including lumber and plywood mills
16. Airport related buildings if located within the airport property. See airport overlay section
17. Dwelling unit(s) may be located in a building devoted primarily to a non-residential use.

PERMITTED USES WITHIN EXISTING SINGLE-FAMILY/MULTIFAMILY DWELLINGS:

18. Home Occupations subject to the general standards of Section 3.050.
19. A Residential Home as defined in ORS 197.660(2).
20. A Residential Facility as defined in ORS 197.660(1)
21. Registered or certified family child care home pursuant to ORS 657A.440.

Section 2.330. Conditional Uses Permitted.

In a 4-C zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

1. Single family dwelling.
2. Multiple family dwelling.
3. Planned Unit Development on a lot of at least one (1) acre in area and in compliance with Article V.
4. Utility facility; including substation, pumping station or private generator. (1)
5. Communications transmitter, receiver, antenna or tower. (1)
5. Wind generator (1).
6. Mobile or portable office.

7. Trailer, camping or recreational vehicle temporarily used as a residence during construction of a permitted use or to temporarily provide watchman security for material that cannot be reasonably stored in an established commercial storage facility.

**8. Medical Marijuana Dispensary (subject to the specific conditional use standards of Section 6.042 (11) )**

**9. Recreational Marijuana Wholesaler or Retailer (subject to the specific conditional use standards of Section 6.042 (11) )**

**10. Medical or Recreational Marijuana producer (grower) provided the entire growing operation and accessory uses are conducted within a legally constructed building. No outside growing or storage is permitted. (subject to the specific conditional use standards of Section 6.042 (11) )**

Section 2.340. Lot Size.

Except as provided in Sections 4.040 and 4.050 in a 4-C zone:

The minimum lot size shall be determined by the County Sanitarian as necessary for proper installation and operation of water supply and sewage disposal systems. If both a public water supply and a public sewage disposal system are available, there shall be no minimum lot area; however, the off-street parking ordinance must be conformed with.

Section 2.350. Height of Buildings.

Except as provided in Section 4.020 in a 4-C zone, no building shall exceed thirty-five (35) feet in height.

## Industrial Zone (5-I)

### Section 2.410. Purpose of Classification.

The industrial zone is generally intended to provide for limited or light industrial uses. Conditional uses in this zone are designed for heavier industrial uses.

### Section 2.420. Uses Permitted Outright.

In a 5-I zone, the following uses and their accessory uses are permitted outright:

1. Retail or service establishment.
2. Automobile service station.
3. Machinery, farm equipment, marine, or automotive sales, service, storage, or repair.
4. Building material storage yard.
5. Plumbing, electrical, or paint contractor's storage, repair or sales shop.
6. Tire retreading or vulcanizing shop.
7. Wholesale trucking and storage establishment.
8. Machine shop or cabinet shop.
9. Manufacturing, repairing, compounding, processing, storage, research, assembling or fabricating activities except those specifically listed in Section 2.430.
10. Utility facility, including substation or pumping station.
11. Communications transmitter, receiver, antenna or tower.

### Section 2.430. Conditional Uses Permitted.

In a 5-I zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

1. Manufacturing plant, including lumber and plywood mills.
2. Airport or heliport.
3. Place of worship or school.
4. Park, playground, fire station, library or museum.
5. Planned Unit Development on a lot of at least three (3) acres in area and in compliance with Article V.
6. Wind generators (1).
7. Recreational vehicle park or campground
8. Mobile or portable office.
- 9. *Medical Marijuana Dispensary (subject to the specific conditional use standards of Section 6.042 (11) )***
- 10. *Recreational Marijuana Wholesaler or Retailer (subject to the specific conditional use standards of Section 6.042 (11) )***
- 11. *Medical or Recreational Marijuana producer (grower) provided the entire growing operation and accessory uses are conducted within a legally constructed building. No outside growing or storage is permitted. (subject to the specific conditional use standards of Section 6.042 (11) )***

Section 2.440. Lot Size.

Except as provided in Sections 4.040 and 4.050 in a 5-I zone, the minimum lot size shall be determined by the County Sanitarian as necessary for proper installation and operation of water supply and sewage disposal systems. If both a public water supply and a public sewage disposal system are available, there shall be no minimum lot area; however, compliance with the off-street parking ordinance shall be required. must be conformed with.

Section 2.450. Height of Building.

Except as provided in Section 4.020 in a 5-I zone, no building shall exceed thirty-five (35) feet in height; however, buildings up to fifty (50) feet in height may be allowed as a conditional use.

**10. Medical or Recreational Marijuana Uses**

**The following criteria and conditions are applied to specific uses and activities in the Commercial (4-C) and Industrial (5-I) zones:**

- a) The facility shall be registered and licensed through the State of Oregon and shall comply with all state regulations regarding medical or recreational marijuana facilities, depending on its type of state registration.**
- b) The facility shall be located 200' or more feet from residential uses.**
- c) The facility shall be located 1000' or more feet from the exterior boundary line of parcel containing any public, private, preschool, or religious based school for students under the age of 18.**
- d) The facility shall not be located with 1000' of a building containing another marijuana business.**
- e) The facility must be located entirely within a permanent building and may not be located in a trailer, cargo container, motor or recreational vehicle.**
- f) Outside storage of merchandise, raw materials, or other materials associated with the facility is prohibited.**
- g) Drive-up use or windows are prohibited.**
- h) The facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the facility's exterior refuse containers.**
- i) Production of oil based products or distilling of oil shall only be permitted within the Industrial (5-I) zone.**