

**NOTICE OF PUBLIC MEETING
LAFAYETTE PLANNING COMMISSION**

DATE & TIME: Thursday, November 16, 2023 – 6:30 p.m.

PLACE: Council Chambers, 486 Third Street, Lafayette, OR 97127

AGENDA

1. CALL TO ORDER
2. FLAG SALUTE
3. ROLL CALL
4. CITIZEN INPUT ON NON-AGENDA ITEMS:
5. APPROVAL OF MINUTES
 - a. October 19, 2023 Planning Commission Meeting Minutes
6. PUBLIC HEARING
 - a. LA2023-01- Amending LZOD regarding Marijuana Regulations
7. ACTION ITEMS
 - a. Appointment of Vice-Chair
8. ADJOURNMENT

The Council Chambers is accessible. If you need an accommodation to attend or participate in a meeting or wish to participate remotely, please notify the City at (503) 864-2451 at least 24 hours prior to the meeting.

City of Lafayette
Planning Commission Meeting Minutes
Thursday, October 19, 2023 at 6:00 p.m.

1. **CALL TO ORDER:** Commissioner Meola called the meeting to order at 6:08 p.m.
2. **FLAG SALUTE:** Commissioner Meola lead flag salute.
3. **ROLL CALL:** Commissioner Meola called the Roll:
Present: Mike Karl, Stephan Belding, Jon Meola, Doreen VanTyne (via zoom), Ron Kerr (late)

City Staff Present: Jim Jacks, City Planner; Branden Dross, City Administrator; Jasmine Garcia, Community Development Clerk

Others: Larry Strober

4. **PUBLIC COMMENT ON ITEMS NOT ON THIS AGENDA:**
None.

5. **APPROVAL OF MINUTES:**

- a. *August 17, 2023, Planning Commission Meeting Minutes*

Commissioner Belding moved to approve the August 17th, 2023, Planning Commission Meeting Minutes. Commissioner Karl seconded the motion, which passed unanimously.

6. **DISCUSSION ITEMS:**

- a. *Amending the City's Marijuana Standard (LA 2023-01)*

City Administrator Dross gave a summary of the last Planning Commission meeting for City Planner, Jim Jacks.

City Planner Jim Jacks summarized his staff report. He stated in the Municipal Code, Chapter 7, the business section it lists retail Marijuana sales as permitted use in Commercial-1 (C-1) and Commercial-2 (C-2) zones, the code also states that if it is within 1,000 feet of schools, daycares, and city properties, retail marijuana sales are not permitted. He stated there are 54 properties that are within the Residential-Commercial (RC) zone. Jacks stated with 76% of the properties in RC being residential he is concerned that if retail marijuana is placed in this zone there will be complaints from the neighborhood. Jacks stated the direction from the City Council would be to move the zoning ordinance regarding businesses and business licenses into the zoning and development code and then review those standards.

Meola asked if the City kept the 1000-foot barrier would that apply to parks and daycares? Jacks stated in his staff report the Commission had recommended retaining the 1,000-foot buffer for schools and allowing a 500-foot buffer for any public property, except public rights-of-way, and licensed childcare facilities. City Administrator Dross stated if we keep those buffers it allows about 5 potential properties for retail marijuana to

be placed. Chair Kerr stated there isn't a need for a 500-foot buffer around childcare facilities since children will be accompanied by an adult and parks already have existing prohibitions.

Chair Kerr stated the Planning Commission would recommend that the City Council allow retail marijuana to be located within C-1 and C-2 zones and only a 1000-foot buffer around schools, and not allow it in the RC zone. Jacks stated the next step would be to have a public hearing in November with the recommendation from the Planning Commission.

There was discussion regarding the time the Planning Commission Meeting should start. Jacks asked Dross if he could see if there were any bylaws for the Commission that mention the time the meetings should begin. If there is one, there would need to be a change made so it is transparent for residents, if there are no bylaws it can be noted that all meetings start at 6:30 p.m.

There was a consensus among the five attending Commissioners that the proposal for the public hearing in November would be to allow marijuana retail stores in C-1 and C-2 districts with a 1,000-foot buffer around schools only and no retailing of marijuana in RC Zones.

b. Short-Term Rental Update

Dross gave a summary of the survey that was done on short term rentals. He stated that the City Council decided to table the discussion till February or March of next year.

7. NEXT MEETING:
November 16, 2023

8. ADJOURNMENT:

Commissioner Belding moved to adjourn the meeting. Commissioner Meola seconded the motion. There was no discussion and the motion passed unanimously.

Minutes approved on 16 day of November, 2023.

CERTIFIED:

ATTESTED:

Ron Kerr, Chair

Jasmine Garcia, Assistant City Administrator

City of Lafayette

486 Third Street, P.O. Box 55

Lafayette, Oregon 97127

Phone: (503) 864-2451 Fax: (503)864-4501



TO: LAFAYETTE PLANNING COMMISSION
FROM: JIM JACKS, CITY PLANNER
SUBJ: AMEND THE CITY'S MARIJUANA STANDARDS (LA 2023-01)
DATE: NOVEMBER 16, 2023

I. PURPOSE

The purpose of this staff report is to present to the Planning Commission proposed amendments to the City's current marijuana standards to remove the land use planning (zoning) aspects of the marijuana regulations from the Lafayette Municipal Code, Chapter 7, and place them in the Lafayette Zoning and Development Ordinance (LZDO).

The current retailing, producing, processing and wholesaling marijuana regulations are in the Lafayette Municipal Code, Chapter 7, Business. There are no marijuana regulations in the Lafayette Zoning and Development Ordinance (LZDO) (the Development Code). The purpose of Legislative Amendment 2023-01 is to move the zoning related regulations in the Lafayette Municipal Code, Chapter 7, Business, for the retail selling of medical and recreational marijuana into the LZDO, Section 2.105.02, Commercial-Core District (C-1) Permitted Uses, and into Section 2.106.02, Commercial-General District (C-2) Permitted Uses. The proposed amendments would allow retail recreational and medical marijuana sales in the C-1 and C-2 Districts as permitted uses subject to standards.

The purpose of Legislative Amendment 2023-01 is also to move the zoning related regulations in the Lafayette Municipal Code, Chapter 7, Business, for the producing, processing and wholesaling of medical and recreational marijuana into the LZDO, Section 2.107.02, Industrial District (I) Permitted Uses.

II. BACKGROUND

The passage by Oregon voters of Ballot Measure (BM) 91 in November, 2014, allowed the recreational use of marijuana. It allowed the possession and smoking of marijuana on July 1, 2015, but the growing, processing, wholesaling and retailing was not allowed until January 1, 2016. BM 91 was implemented by Oregon Administrative Rules adopted October 22, 2015 by the Oregon Liquor Control Commission (OLCC).

In 2015 and 2016 the City of Lafayette amended its Municipal Code, Chapter 7, Business, to add Sections 7.960 – 7.995, Marijuana Facilities, to address the retail sale of recreational marijuana in Lafayette. The amendments placed the land use planning (zoning) aspects of marijuana in the Lafayette Municipal Code, Chapter 7, not in the Lafayette Zoning and Development Ordinance (LZDO). Medical and recreational marijuana stores were allowed as permitted uses in the Commercial-Core (C-1) District and the Commercial-General (C-2) District.

At the request of the City Council, on August 17, 2023 the Planning Commission conducted a work session to review the City’s existing marijuana standards in the Municipal Code, Section 7.960 – 7.995. The purpose of the review was to focus on the 1,000 foot buffer distances that prohibit the retail sale of marijuana near schools, public property, except public rights-of-way, other marijuana retail stores, and licensed child care facilities. The 1,000 foot buffers around these uses resulted in only a very small number of properties in the C-1 and C-2 Districts eligible for marijuana retail stores to locate on them.

The producing, processing and wholesaling of marijuana do not currently include the 1,000 foot buffer because these uses are allowed only in the Industrial District, thus there were no 1,000 foot buffers for the Planning Commission to review. The producing, processing and wholesaling of marijuana are allowed in the Industrial District per the Municipal Code, Section 7.980 and these zoning related regulation are proposed to be deleted from the Municipal Code, Section 7.980 and placed in the LZDO, Industrial District, Section 2.107.02, Permitted Uses.

On October 19, 2023 the Planning Commission conducted a second work session to continue its review of the City’s existing marijuana retailing standards.

The Commission reached consensus that the 1,000 foot buffer for public elementary and secondary schools should be retained and no other buffers should be applied to public property, other marijuana retail stores or licensed child care facilities.

On October 19, the Commission also considered whether the retail sale of marijuana should be an allowed use in the Residential-Commercial (RC) District.

The Commission reached consensus that the RC District’s list of permitted uses should not be amended to allow the retail sale of marijuana because the RC District is primarily a residential District.

There are 54 properties in the RC District. Of the 54 properties, 76% or 41 properties are developed with residential uses.

Of the 41 residential properties, 37 are developed with single family residences (37 dwelling units) and 4 are developed with duplexes (8 dwelling units).

Of the 54 total properties, 7% or 4 properties are developed with commercial uses.

Of the 54 total properties, 2% or 1 property is developed with an industrial use.

Of the 54 total properties, 9% or 5 properties are vacant.

Of the 54 total properties, 6% or 3 properties are owned by the City of Lafayette.

Residential:	76%	41 properties.
Commercial:	7%	4 properties.
Industrial:	2%	1 property.
Vacant:	9%	5 properties.
<u>City owned:</u>	<u>6%</u>	<u>3 properties.</u>
Totals:	100%	54 properties

Based on the above data, a super majority of the properties in the RC District are developed as residences. Only four properties at 1184, 1214, and 1260 E. 3rd (east end of the City) and one property at 575 E. 2nd Street (Redtail Espresso) are developed with commercial uses.

Many of the RC District lots are in groups where all the lots are residential uses or are vacant. For example, the six blocks west of S. Madison between 2nd and the RR tracks are all zoned RC, except for Commons Park which is zoned Public. The lots in the five RC zoned blocks are all developed with residences or are vacant except for Redtail Espresso at the corner of S. Madison and 2nd.

The two RC Blocks south of the RR tracks and west of S. Madison are developed with residences or are vacant.

The RC area south of the RR tracks and east of S. Madison are developed with residences.

The RC Block bounded by 4th, N. Adams, 5th and N. Jefferson is developed with 3 dwellings and the Macore Company.

The RC area at the east end of the City (east of N. Jackson Street) is a strip on the north side of 99W where 3 of the 4 commercially developed properties are located. The strip is also the site of 5 residentially developed properties and one vacant property immediately west of the Dollar General store.

The pattern described by the data and the description of the blocks shows the majority of the properties in the RC District are developed as residences and are grouped together in residential neighborhoods.

Allowing a marijuana retail store to locate on a RC property would not be consistent with the current development pattern in the RC zoned areas nor with the current zoning concept which allows marijuana retail stores only in the C-1 and C-2 Districts.

III. PROPOSED LANGUAGE -- LZDO

The following is the “mark-up” version of the C-1, C-2 and Industrial Districts in the Lafayette Zoning and Development Ordinance (LZDO) which shows the language to be added in ***bold italics***. The language to be deleted in the Lafayette Municipal Code, Chapter 7, Business, Section 7.960 – 7.995 is shown in Section V, below.

The proposed C-1 District amendment is at the end of the list of permitted uses at Subsection Y at the top of page 5.

COMMERCIAL-CORE DISTRICT (C-1)

2.105.02 Permitted Uses

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the C-1 District, subject to the provisions in Section 3.105, Site Development Review:

A. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies, and investment companies; television and radio broadcast studios (excluding broadcast towers and dishes), and, miscellaneous offices such as detective agencies, drafting services or contractors offices.

B. Professional offices and clinics including, but not limited to, medical, dental, veterinarian clinics, engineering and legal services.

- C. Banks and other financial institutions without a drive-through window.
- D. Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, artist supplies, hobby or photography store, florist, liquor store, hardware store, appliance or stereo equipment store, nursery or greenhouse, pet shop, sporting goods, automobile parts and accessories, department store, clothing, jewelry, gift, and other types retail activities.
- E. Restaurants, bakeries, taverns, snack shops and other types of eating and drinking establishments, including entertainment facilities accessory to the establishment.
- F. Retail and service related stores such as TV and radio sales and service, bicycle shop, gunsmith, equipment rental, upholstery shop or other similar activities where a service department is customarily a secondary activity to the retail use.
- G. Service related businesses such as barber shops, beauty shops, tailors, advertising agencies, travel agencies, art or craft studios, self-serve laundry, dry cleaning (except bulk dry cleaning plants), self-store lockers including food storage lockers, parcel service, printing or photocopying, equipment rental, video rental, or other activities where the primary activity is the providing of a service to retail customers.
- H. Entertainment facilities such as movie theaters, theaters, bowling alleys, amusement centers including those featuring video games.
- I. Public automobile parking.
- J. Churches.
- K. Public and semi-public utility facilities, distribution plants and service yards; excluding radio or television transmission towers; ambulance service.
- L. Second or upper story apartments.
- M. Accessory structures and uses customarily provided for retail activities.
- N. Residential care homes and facilities.
- O. Day care facilities.
- P. Partitioning, subject to the provisions in Section 3.106.
- Q. Subdivisions, subject to the provisions in Section 3.107.
- R. Non-profit member organizations, such as business associations, labor unions, political organizations or fraternal lodges.
- S. Park and ride lot: parking spaces cannot count as required parking or be used for vehicle storage.
- T. Small scale wineries, distilleries, or breweries subject to the provisions in Section 2.315.
- U. Hotels.
- V. Public parks and recreation and open space areas.

W. Fitness Center.

X. Trade and professional schools for office professions and personal services.

Y. Medical and recreational marijuana retail sales subject to the following standards.

- 1. The owner or operator must possess a valid State of Oregon medical marijuana facility registration per ORS 475.300 through 475.346 and must at all times operate the facility in compliance with state and local laws, including the payment of all fines, fees, and taxes owed to the City, if any;**
- 2. A Marijuana Retailer must possess a valid State of Oregon license and must at all times operate the facility in compliance with state and local laws, including the payment of all fines, fees, and taxes owed to the City, if any;**
- 3. The Marijuana Facilities, activities, and operations under this section must be located within a fixed, permanent building within a C-1 District of the City;**
- 4. The Marijuana Facilities under this section must comply with all applicable laws and regulations, including, but not limited to building and fire codes and the zoning and land development code;**
- 5. On-site operations of the Marijuana Facilities under this section are prohibited from manufacturing or producing any extracts, oils, resins, or similar derivatives of Marijuana, and on-site operations must not use open flames or gases in the preparation of any products;**
- 6. Marijuana and tobacco products must not be smoked, ingested or otherwise consumed on the Premises of the Marijuana Facility;**
- 7. Operating hours for retail sales must be no earlier than 10:00 a.m. or later than 7:00 p.m. on the same day;**
- 8. The Marijuana Facilities under this section must utilize an air filtration and ventilation system which, to the greatest extent feasible, confines all objectionable odors associated with the Facility to the Premises. For the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor that is detected;**
- 9. The Marijuana Facilities under this section must provide for secure disposal of Marijuana remnants or by-products, and such remnants or by-products shall not be placed within the Facility's exterior refuse container;**
- 10. The Marijuana Facilities under this section must not be co-located on the same tax lot or within the same building with any Marijuana social club, smoking club, or grow site;**
- 11. A Marijuana Facility shall not be located within 1,000 feet from any public elementary or secondary school measured between the closest points of the respective lot lines.**

COMMERCIAL-GENERAL DISTRICT (C-2)

The proposed C-2 District amendment is at the end of the list of permitted uses at Subsection KK at the top of page 8.

2.106.02 Permitted Uses

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the C-2 District, subject to the provisions in Section 3.105, Site Development Review:

A. Child care facilities.

B. Partitioning, subject to the provisions in Section 3.106.

C. Subdivisions, subject to the provisions in Section 3.107.

D. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies, and investment companies; television and radio broadcast studios (excluding broadcast towers and dishes), and, miscellaneous offices such as detective agencies, or contractors offices.

E. Professional offices and clinics including, but not limited to, medical, dental, veterinarian (excluding farm animals), engineering and legal services.

F. Banks and other financial institutions.

G. Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, artist supplies, hobby or photography store, florist, liquor store, hardware store, appliance or stereo equipment store, nursery or greenhouse, pet shop, sporting goods, automobile parts and accessories, department store, clothing, jewelry, gift, and other types retail activities.

H. Restaurants, bakeries, drive-ins, snack shops and other types of eating and drinking establishments, including entertainment facilities accessory to the establishment.

I. Retail and service related stores such as TV and radio sales and service, bicycle shop, gunsmith, small equipment rental (excluding commercial or industrial equipment), upholstery shop or other similar activities where a service department is customarily a secondary activity to the retail use.

J. Service related businesses such as barber shops, beauty shops, tailors, advertising agencies, travel agencies, art or craft studios, self-serve laundry, dry cleaning (except bulk dry cleaning plants), self-store lockers including food storage lockers, parcel service, printing or photocopying, video rental, or other activities where the primary activity is the providing of a service to retail customers. This section includes exterminating and pest control services.

K. Amusement and recreation facilities such as auditoriums, stadiums, arcades, bowling alleys, miniature golf courses, movie theater, theater and indoor skating rinks.

L. Public automobile parking.

M. Accessory structures and uses customarily provided for retail activities.

- N. Automobile service station, including towing services and vehicle washing and polishing facilities, and services, and, subject to the development provisions in Section 2.308.
- O. New and used automobile, truck (less than 16,000 lbs. gross vehicle weight), motorcycle, trailer, recreational vehicle, and boat sales, service and storage, subject to the provisions in Section 2.308.
- P. Retail tire sales; vehicle service and repair.
- Q. Moving and storage, warehouse for short term storage, including mini-warehouse and cold storage.
- R. Lumber yard and contracting supplies for lumber, stone, masonry, and special trade contracting facilities and storage and sales, such as floor laying, building equipment, masonry and stone, plumbing, electrical, metal work or painting.
- S. Feed and seed stores; wholesale distribution of sand, gravel, bark dust, sawdust, compost.
- T. Welding shop, blacksmith.
- U. Public utility structures and buildings, such as pump stations, reservoirs, electric substations, and necessary right-of-way for identified public utilities.
- V. Mortuary.
- W. Ambulance service.
- X. Auction house (no livestock); second hand stores.
- Y. Bulk cleaning and laundry plants.
- Z. Recreational vehicle park.
- AA. Research laboratories.
- BB. Accessory structures and uses customarily provided for retail activities.
- CC. Single family residence in-conjunction with a permitted commercial use of the property.
- DD. Second or upper story apartments.
- EE. Non-profit member organizations, such as business associations, labor unions, political organizations or fraternal lodges.
- FF. Business schools.
- GG. Park and ride lot: parking spaces cannot count as required parking or be used for vehicle storage.
- HH. Hotels and motels.
- II. Fitness Center.
- JJ. Trade and professional school for office professions and personal services.

KK. Medical and recreational marijuana retail sales subject to the following standards:

- 1. The owner or operator must possess a valid State of Oregon medical marijuana facility registration per ORS 475.300 through 475.346 and must at all times operate the facility in compliance with state and local laws, including the payment of all fines, fees, and taxes owed to the City, if any;**
- 2. A Marijuana Retailer must possess a valid State of Oregon license and must at all times operate the facility in compliance with state and local laws, including the payment of all fines, fees, and taxes owed to the City, if any;**
- 3. The Marijuana Facilities, activities, and operations under this section must be located within a fixed, permanent building within a C-1 District of the City;**
- 4. The Marijuana Facilities under this section must comply with all applicable laws and regulations, including, but not limited to building and fire codes and the zoning and land development code;**
- 5. On-site operations of the Marijuana Facilities under this section are prohibited from manufacturing or producing any extracts, oils, resins, or similar derivatives of Marijuana, and on-site operations must not use open flames or gases in the preparation of any products;**
- 6. Marijuana and tobacco products must not be smoked, ingested or otherwise consumed on the Premises of the Marijuana Facility;**
- 7. Operating hours for retail sales must be no earlier than 10:00 a.m. or later than 7:00 p.m. on the same day;**
- 8. The Marijuana Facilities under this section must utilize an air filtration and ventilation system which, to the greatest extent feasible, confines all objectionable odors associated with the Facility to the Premises. For the purposes of this provision, the standard for judging “objectionable odors” shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor that is detected;**
- 9. The Marijuana Facilities under this section must provide for secure disposal of Marijuana remnants or by-products, and such remnants or by-products shall not be placed within the Facility’s exterior refuse container;**
- 10. The Marijuana Facilities under this section must not be co-located on the same tax lot or within the same building with any Marijuana social club, smoking club, or grow site;**
- 11. A Marijuana Facility shall not be located within 1,000 feet from any public elementary or secondary school measured between the closest points of the respective lot lines.**

The proposed Industrial District amendment is at the end of the list of permitted uses at Subsection J at the bottom of page 10 and top of page 11.

INDUSTRIAL DISTRICT (I)

2.107.02 Permitted Uses

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the Industrial District, subject to the provisions in Section 3.105, Site Development Review.

A. Dwelling for a caretaker to be located on the premises.

B. Partitioning, subject to the provisions in Section 3.106.

C. Subdivisions, subject to the provisions in Section 3.107.

D. Public utility structures and buildings, such as pump stations, reservoirs, sewage treatment plants, electric substations, and necessary right-of-way for identified public utilities.

E. Commercial activities:

1. Vehicle repair and maintenance, including electric motor repair, paint and body shop, tire recapping and similar automotive repair facilities.
2. Automobile service station, including towing services and vehicle washing and polishing facilities, and services, and, subject to the development provisions in Section 2.308.
3. New and used large truck (over 16,000 lbs. Gross vehicle weight), farm equipment, heavy construction equipment, logging equipment and boat rental, sales and service.
4. Warehouse for short term storage, including mini-warehouse.
5. Lumber yard and contracting supplies for lumber, stone, masonry or metal.
6. Special trade contracting facilities, such as; floor laying, building equipment, masonry and stone, plumbing, electrical, metal work or painting.
7. Cabinet shop.
8. Welding and blacksmith shop.
9. Machine shop, and sales, service and repair of machinery
10. Bulk cleaning and laundry plants.
11. Accessory structures and uses customarily provided for retail activities.

F. Manufacturing and Assembly, Secondary Processing:

1. Food processing, including canning, freezing, drying, bottling and similar food processing and preserving, including warehousing and distribution. BUT EXCLUDING processes which involve the slaughter of animals.
2. Textile mill products including apparel and other finished products made from fabrics and similar materials.
3. Furniture and fixtures including retail wood products.
4. Printing, publishing, and allied industries.
5. Rubber and plastic manufacturing; BUT EXCLUDING processing or manufacturing of the raw material.
6. Leather and leather goods; BUT EXCLUDING leather tanning and finishing.
7. Cement, glass, clay and stone products manufacturing.
8. Fabricated metal products, BUT EXCLUDING forgings, plating, coating and engraving, ordnance and accessories.
9. Electrical and electronic equipment, machinery and supplies BUT EXCLUDING storage and primary batteries.
10. Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; time pieces.
11. Freight terminals, including loading docks, storage, warehousing and wholesale distribution, cold storage lockers and similar personal storage facilities such as mini-storage warehouses.
12. Manufacturing or distribution of equipment related to operating a farm, nursery or vineyard.

G. Wholesale trade and distribution facilities, BUT EXCLUDING trade and distribution involving:

1. Metals and minerals
2. Machinery and equipment
3. Scrap and waste material
4. Farming materials such as fertilizers, pesticides and soils.
5. Chemicals and allied products
6. Petroleum and petroleum products

H. Park and ride lot: parking spaces cannot count as required parking or be used for vehicle storage.

I. Trade or professional school.

J. Marijuana producer, medical marijuana grow site, marijuana processor and marijuana wholesaler subject to the following standards:

- A. Use an air filtration and ventilation system which, to the greatest extent feasible, contains all marijuana related odors within the facility rather than allowing such odor to escape outside. Sufficient measures and means of preventing odor, debris, fluids and other substances from escaping the facility must be in effect at all times.**
- B. Provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the facilities' exterior refuse containers. Outdoor storage of the marijuana merchandise, raw materials, or other marijuana materials associated with the production of marijuana is prohibited; and**
- C. All marijuana activities, processing, and operations shall be conducted indoors and shall not be visible to the general public.**
- D. Comply with all applicable state and local laws and regulations, including, but not limited to building and fire codes.**

IV. LANGUAGE AS AMENDED -- LZDO

The following is the "clean copy" version of the C-1, C-2 and Industrial Districts in the Lafayette Zoning and Development Ordinance (LZDO) which shows the language if it is adopted. The language to be deleted in the Lafayette Municipal Code, Chapter 7, Business, Section 7.960 – 7.995 is shown in Section V, below.

Commercial-Core District

The following is the "clean copy" version which shows the language if it is adopted.

The change is at the end of the list of permitted uses at Subsection Y at the top of page 9.

COMMERCIAL-CORE DISTRICT (C-1)

2.105.02 Permitted Uses

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the C-1 District, subject to the provisions in Section 3.105, Site Development Review:

- A. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies, and investment companies; television and radio broadcast studios (excluding broadcast towers and dishes), and, miscellaneous offices such as detective agencies, drafting services or contractors offices.
- B. Professional offices and clinics including, but not limited to, medical, dental, veterinarian clinics, engineering and legal services.
- C. Banks and other financial institutions without a drive-through window.
- D. Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, artist supplies, hobby or photography store, florist, liquor store, hardware store, appliance or stereo equipment store, nursery or greenhouse, pet shop, sporting goods, automobile parts and accessories, department store, clothing, jewelry, gift, and other types retail activities.

- E. Restaurants, bakeries, taverns, snack shops and other types of eating and drinking establishments, including entertainment facilities accessory to the establishment.
- F. Retail and service related stores such as TV and radio sales and service, bicycle shop, gunsmith, equipment rental, upholstery shop or other similar activities where a service department is customarily a secondary activity to the retail use.
- G. Service related businesses such as barber shops, beauty shops, tailors, advertising agencies, travel agencies, art or craft studios, self-serve laundry, dry cleaning (except bulk dry cleaning plants), self-store lockers including food storage lockers, parcel service, printing or photocopying, equipment rental, video rental, or other activities where the primary activity is the providing of a service to retail customers.
- H. Entertainment facilities such as movie theaters, theaters, bowling alleys, amusement centers including those featuring video games.
- I. Public automobile parking.
- J. Churches.
- K. Public and semi-public utility facilities, distribution plants and service yards; excluding radio or television transmission towers; ambulance service.
- L. Second or upper story apartments.
- M. Accessory structures and uses customarily provided for retail activities.
- N. Residential care homes and facilities.
- O. Day care facilities.
- P. Partitioning, subject to the provisions in Section 3.106.
- Q. Subdivisions, subject to the provisions in Section 3.107.
- R. Non-profit member organizations, such as business associations, labor unions, political organizations or fraternal lodges.
- S. Park and ride lot: parking spaces cannot count as required parking or be used for vehicle storage.
- T. Small scale wineries, distilleries, or breweries subject to the provisions in Section 2.315.
- U. Hotels.
- V. Public parks and recreation and open space areas.
- W. Fitness Center.
- X. Trade and professional schools for office professions and personal services.
- Y. Medical and recreational marijuana retail sales subject to the following standards:

1. The owner or operator must possess a valid State of Oregon medical marijuana facility registration per ORS 475.300 through 475.346 and must at all times operate the facility in compliance with state and local laws, including the payment of all fines, fees, and taxes owed to the City, if any;
2. A Marijuana Retailer must possess a valid State of Oregon license and must at all times operate the facility in compliance with state and local laws, including the payment of all fines, fees, and taxes owed to the City, if any;
3. The Marijuana Facilities, activities, and operations under this section must be located within a fixed, permanent building within a C-1 District of the City;
4. The Marijuana Facilities under this section must comply with all applicable laws and regulations, including, but not limited to building and fire codes and the zoning and land development code;
5. On-site operations of the Marijuana Facilities under this section are prohibited from manufacturing or producing any extracts, oils, resins, or similar derivatives of Marijuana, and on-site operations must not use open flames or gases in the preparation of any products;
6. Marijuana and tobacco products must not be smoked, ingested or otherwise consumed on the Premises of the Marijuana Facility;
7. Operating hours for retail sales must be no earlier than 10:00 a.m. or later than 7:00 p.m. on the same day;
8. The Marijuana Facilities under this section must utilize an air filtration and ventilation system which, to the greatest extent feasible, confines all objectionable odors associated with the Facility to the Premises. For the purposes of this provision, the standard for judging “objectionable odors” shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor that is detected;
9. The Marijuana Facilities under this section must provide for secure disposal of Marijuana remnants or by-products, and such remnants or by-products shall not be placed within the Facility’s exterior refuse container;
10. The Marijuana Facilities under this section must not be co-located on the same tax lot or within the same building with any Marijuana social club, smoking club, or grow site;
11. A Marijuana Facility shall not be located within 1,000 feet from any public elementary or secondary school measured between the closest points of the respective lot lines.

Commercial-General District

The following is the “clean copy” version which shows the language if it is adopted.

The change is at the end of the list of permitted uses at Subsection KK at the bottom of page 15 and top of page 16.

COMMERCIAL-GENERAL DISTRICT (C-2)

The proposed amendment is at the end of the list of permitted uses at Subsection KK at the top of page 16.

2.106.02 Permitted Uses

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the C-2 District, subject to the provisions in Section 3.105, Site Development Review:

A. Child care facilities.

B. Partitioning, subject to the provisions in Section 3.106.

C. Subdivisions, subject to the provisions in Section 3.107.

D. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies, and investment companies; television and radio broadcast studios (excluding broadcast towers and dishes), and, miscellaneous offices such as detective agencies, or contractors offices.

E. Professional offices and clinics including, but not limited to, medical, dental, veterinarian (excluding farm animals), engineering and legal services.

F. Banks and other financial institutions.

G. Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, artist supplies, hobby or photography store, florist, liquor store, hardware store, appliance or stereo equipment store, nursery or greenhouse, pet shop, sporting goods, automobile parts and accessories, department store, clothing, jewelry, gift, and other types retail activities.

H. Restaurants, bakeries, drive-ins, snack shops and other types of eating and drinking establishments, including entertainment facilities accessory to the establishment.

I. Retail and service related stores such as TV and radio sales and service, bicycle shop, gunsmith, small equipment rental (excluding commercial or industrial equipment), upholstery shop or other similar activities where a service department is customarily a secondary activity to the retail use.

J. Service related businesses such as barber shops, beauty shops, tailors, advertising agencies, travel agencies, art or craft studios, self-serve laundry, dry cleaning (except bulk dry cleaning plants), self-store lockers including food storage lockers, parcel service, printing or photocopying, video rental, or other activities where the primary activity is the providing of a service to retail customers. This section includes exterminating and pest control services.

K. Amusement and recreation facilities such as auditoriums, stadiums, arcades, bowling alleys, miniature golf courses, movie theater, theater and indoor skating rinks.

L. Public automobile parking.

M. Accessory structures and uses customarily provided for retail activities.

- N. Automobile service station, including towing services and vehicle washing and polishing facilities, and services, and, subject to the development provisions in Section 2.308.
- O. New and used automobile, truck (less than 16,000 lbs. gross vehicle weight), motorcycle, trailer, recreational vehicle, and boat sales, service and storage, subject to the provisions in Section 2.308.
- P. Retail tire sales; vehicle service and repair.
- Q. Moving and storage, warehouse for short term storage, including mini-warehouse and cold storage.
- R. Lumber yard and contracting supplies for lumber, stone, masonry, and special trade contracting facilities and storage and sales, such as floor laying, building equipment, masonry and stone, plumbing, electrical, metal work or painting.
- S. Feed and seed stores; wholesale distribution of sand, gravel, bark dust, sawdust, compost.
- T. Welding shop, blacksmith.
- U. Public utility structures and buildings, such as pump stations, reservoirs, electric substations, and necessary right-of-way for identified public utilities.
- V. Mortuary.
- W. Ambulance service.
- X. Auction house (no livestock); second hand stores.
- Y. Bulk cleaning and laundry plants.
- Z. Recreational vehicle park.
- AA. Research laboratories.
- BB. Accessory structures and uses customarily provided for retail activities.
- CC. Single family residence in-conjunction with a permitted commercial use of the property.
- DD. Second or upper story apartments.
- EE. Non-profit member organizations, such as business associations, labor unions, political organizations or fraternal lodges.
- FF. Business schools.
- GG. Park and ride lot: parking spaces cannot count as required parking or be used for vehicle storage.
- HH. Hotels and motels.
- II. Fitness Center.
- JJ. Trade and professional school for office professions and personal services.

KK. Medical and recreational marijuana retail sales subject to the following standards:

1. The owner or operator must possess a valid State of Oregon medical marijuana facility registration per ORS 475.300 through 475.346 and must at all times operate the facility in compliance with state and local laws, including the payment of all fines, fees, and taxes owed to the City, if any;
2. A Marijuana Retailer must possess a valid State of Oregon license and must at all times operate the facility in compliance with state and local laws, including the payment of all fines, fees, and taxes owed to the City, if any;
3. The Marijuana Facilities, activities, and operations under this section must be located within a fixed, permanent building within a C-1 District of the City;
4. The Marijuana Facilities under this section must comply with all applicable laws and regulations, including, but not limited to building and fire codes and the zoning and land development code;
5. On-site operations of the Marijuana Facilities under this section are prohibited from manufacturing or producing any extracts, oils, resins, or similar derivatives of Marijuana, and on-site operations must not use open flames or gases in the preparation of any products;
6. Marijuana and tobacco products must not be smoked, ingested or otherwise consumed on the Premises of the Marijuana Facility;
7. Operating hours for retail sales must be no earlier than 10:00 a.m. or later than 7:00 p.m. on the same day;
8. The Marijuana Facilities under this section must utilize an air filtration and ventilation system which, to the greatest extent feasible, confines all objectionable odors associated with the Facility to the Premises. For the purposes of this provision, the standard for judging “objectionable odors” shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor that is detected;
9. The Marijuana Facilities under this section must provide for secure disposal of Marijuana remnants or by-products, and such remnants or by-products shall not be placed within the Facility’s exterior refuse container;
10. The Marijuana Facilities under this section must not be co-located on the same tax lot or within the same building with any Marijuana social club, smoking club, or grow site;
11. A Marijuana Facility shall not be located within 1,000 feet from any public elementary or secondary school measured between the closest points of the respective lot lines.

Industrial District

The following is the “clean copy” version which shows the language if it is adopted.

The change is at the end of the list of permitted uses at Subsection J at the bottom of page 18 and top of page 19.

INDUSTRIAL DISTRICT (I)

2.107.02 Permitted Uses

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the Industrial District, subject to the provisions in Section 3.105, Site Development Review.

A. Dwelling for a caretaker to be located on the premises.

B. Partitioning, subject to the provisions in Section 3.106.

C. Subdivisions, subject to the provisions in Section 3.107.

D. Public utility structures and buildings, such as pump stations, reservoirs, sewage treatment plants, electric substations, and necessary right-of-way for identified public utilities.

E. Commercial activities:

12. Vehicle repair and maintenance, including electric motor repair, paint and body shop, tire recapping and similar automotive repair facilities.
13. Automobile service station, including towing services and vehicle washing and polishing facilities, and services, and, subject to the development provisions in Section 2.308.
14. New and used large truck (over 16,000 lbs. Gross vehicle weight), farm equipment, heavy construction equipment, logging equipment and boat rental, sales and service.
15. Warehouse for short term storage, including mini-warehouse.
16. Lumber yard and contracting supplies for lumber, stone, masonry or metal.
17. Special trade contracting facilities, such as; floor laying, building equipment, masonry and stone, plumbing, electrical, metal work or painting.
18. Cabinet shop.
19. Welding and blacksmith shop.
20. Machine shop, and sales, service and repair of machinery
21. Bulk cleaning and laundry plants.
22. Accessory structures and uses customarily provided for retail activities.

F. Manufacturing and Assembly, Secondary Processing:

1. Food processing, including canning, freezing, drying, bottling and similar food processing and preserving, including warehousing and distribution. BUT EXCLUDING processes which involve the slaughter of animals.
2. Textile mill products including apparel and other finished products made from fabrics and similar materials.
3. Furniture and fixtures including retail wood products.
4. Printing, publishing, and allied industries.
5. Rubber and plastic manufacturing; BUT EXCLUDING processing or manufacturing of the raw material.
6. Leather and leather goods; BUT EXCLUDING leather tanning and finishing.
7. Cement, glass, clay and stone products manufacturing.
8. Fabricated metal products, BUT EXCLUDING forgings, plating, coating and engraving, ordnance and accessories.
9. Electrical and electronic equipment, machinery and supplies BUT EXCLUDING storage and primary batteries.
10. Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; time pieces.
11. Freight terminals, including loading docks, storage, warehousing and wholesale distribution, cold storage lockers and similar personal storage facilities such as mini-storage warehouses.
12. Manufacturing or distribution of equipment related to operating a farm, nursery or vineyard.

G. Wholesale trade and distribution facilities, BUT EXCLUDING trade and distribution involving:

1. Metals and minerals
2. Machinery and equipment
3. Scrap and waste material
4. Farming materials such as fertilizers, pesticides and soils.
5. Chemicals and allied products
6. Petroleum and petroleum products

H. Park and ride lot: parking spaces cannot count as required parking or be used for vehicle storage.

I. Trade or professional school.

J. Marijuana producer, medical marijuana grow site, marijuana processor and marijuana wholesaler subject to the following standards:

1. Use an air filtration and ventilation system which, to the greatest extent feasible, contains all marijuana related odors within the facility rather than allowing such odor to escape outside. Sufficient measures and means of preventing odor, debris, fluids and other substances from escaping the facility must be in effect at all times.
2. Provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the facilities' exterior refuse containers. Outdoor storage of the marijuana merchandise, raw materials, or other marijuana materials associated with the production of marijuana is prohibited.
3. All marijuana activities, processing, and operations shall be conducted indoors and shall not be visible to the general public.
4. Comply with all applicable state and local laws and regulations, including, but not limited to building and fire codes.

V. PROPOSED AMENDED LANGUAGE – MUNICIPAL CODE, CHAPTER 7

The following is the “mark-up” version of the Lafayette Municipal Code, Chapter 7, Business, Sections 7.960 – 7.990, Marijuana Facilities which shows the language to be deleted in strikeout.

MARIJUANA FACILITIES

7.960 Purpose. To protect public health, safety, and welfare of existing and future residents and businesses of the City through reasonable time, place, and manner regulations of Marijuana Facilities.

7.965 Definitions. As used in the sections 7.960-7.995, the following words and phrases shall have the meaning given to them in this section:

Consumer. A person who purchases, acquires, owns, holds, or uses marijuana items other than for the purpose of resale.

Marijuana. All parts of the plant of the Cannabis Moraceae, whether growing or not, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin, as may be defined by Oregon Revised Statutes or as they currently exist or may from time to time be amended. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or predation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

Marijuana Facility or Facilities. Recreational marijuana producers, recreational marijuana processors, recreational marijuana retailers, recreational marijuana wholesalers and medical marijuana dispensaries, medical marijuana grow sites, and medical marijuana processors.

Marijuana Items. Marijuana, cannabinoid products, cannabinoid concentrates, cannabinoid edibles, and cannabinoid extracts.

Marijuana Processor. A person who processes marijuana items in this state and is licensed by the Oregon Liquor Control Commission (OLCC).

Marijuana Retailer. A person who sells marijuana to a consumer in Oregon is licensed by the OLCC.

Marijuana Wholesaler. A person who purchases marijuana items in Oregon for resale to a person other than a consumer and is licensed by the OLCC.

Medical Marijuana. All parts of marijuana plants that may be used to treat or alleviate a Medical Marijuana Qualifying Patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

Medical Marijuana Facility or Facilities. A Medical Marijuana Facility that is registered by the Oregon Health Authority under ORS 475.300-475.346 and that sells, distributes, transmits, gives, dispenses or otherwise provides Medical Marijuana to qualifying patients.

Medical Marijuana Grow Site. A specific location registered by the OHA used by a medical marijuana grower to manufacture, plant, cultivate, grow, or harvest marijuana or dry marijuana leaves or flowers for medical use by a medical marijuana qualifying patient.

Medical Marijuana Qualifying Patient. A registry identification cardholder (Person who has been diagnosed by a physician as having a debilitating medical condition) as further defined by ORS 475.302(3) or the designated primary caregiver of the cardholder is defined by ORS 475.302(5).

Premises. A location registered by the State of Oregon as a Marijuana Facility and includes all areas at the location that are used in the business operated at the location, including offices, kitchens, restrooms, storerooms, and including all public and private areas where individuals are permitted to be present.

Public Property. All City of Lafayette parks, and any real property zoned Public.

Retail Sale Price. The price paid for a marijuana item, excluding tax, to a marijuana retailer by or on behalf of a consumer of the marijuana item.

7.970 Business License Required. The Operator of any Marijuana Facility in the City must possess a valid City Business License and must comply with all provisions of Chapter 7 of the Lafayette Municipal Code. Failure to comply with any provisions of Chapter 7 may result in the revocation of the City Business License and/or a civil penalty.

~~**7.975 Conditions for a Medical Marijuana Facility and Marijuana Retailer Business License.** Any Medical Marijuana Facility and Marijuana Retailer must comply with the following requirements:~~

- ~~A. The owner or operator must possess a valid State of Oregon medical marijuana facility registration per ORS 475.300 through 475.346 and must at all times operate the facility in compliance with state and local laws, including the payment of all fines, fees, and taxes owed to the City, if any;~~
- ~~B. A Marijuana Retailer must possess a valid State of Oregon license and must at all times operate the facility in compliance with state and local laws, including the payment of all fines, fees, and taxes owed to the City, if any;~~
- ~~C. The Marijuana Facilities, activities, and operations under this section must be located within a fixed, permanent building within a C-1 or C-2, zone of the City;~~
- ~~D. The Marijuana Facilities under this section must comply with all applicable laws and regulations, including, but not limited to building and fire codes and the zoning and land development code;~~
- ~~E. On-site operations of the Marijuana Facilities under this section are prohibited from manufacturing or producing any extracts, oils, resins, or similar derivatives of Marijuana, and on-site operations must not use open flames or gases in the preparation of any products;~~
- ~~F. Marijuana and tobacco products must not be smoked, ingested or otherwise consumed on the Premises of the Marijuana Facility;~~

- G. ~~Operating hours for retail sales must be no earlier than 10:00 a.m. or later than 7:00 p.m. on the same day;~~
- H. ~~The Marijuana Facilities under this section must utilize an air filtration and ventilation system which, to the greatest extent feasible, confines all objectionable odors associated with the Facility to the Premises. For the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor that is detected;~~
- I. ~~The Marijuana Facilities under this section must provide for secure disposal of Marijuana remnants or by-products, and such remnants or by-products shall not be placed within the Facility's exterior refuse container;~~
- J. ~~The Marijuana Facilities under this section must not be co-located on the same tax lot or within the same building with any Marijuana social club, smoking club, or grow site;~~
- K. ~~A Marijuana Facility under this section, even though located in the appropriate zone as provided for herein shall nevertheless not be located:~~

- ~~(1) Within 1,000 feet from any preschool, public elementary, private elementary, secondary, or career school attended primarily by individuals under the age of 21; or~~
- ~~(2) Within 1,000 feet of any Public Property, not including right-of-way; or~~
- ~~(3) Within 1,000 feet of another Medical Marijuana Facility; or~~
- ~~(4) Within 1,000 feet of a licensed child care facility.~~

~~Such distances shall be measured between the closest points of the respective lot lines; and~~

- L. ~~Signage shall not include logos or illustrations that depict consumption of marijuana and such signage shall emphasize identification of the Premises without drawing undue attention.~~

7.980 Conditions for a Marijuana Producer, Medical Marijuana Grow Site, Marijuana Processor and Marijuana Wholesaler Business License. ~~All marijuana producers, grow sites, processors and wholesalers within the City shall be located entirely indoors within a permanent enclosed structure with a roof and shall:~~

- A. ~~Be located within the Industrial District (I) zone of the City;~~
- B. ~~Use an air filtration and ventilation system which, to the greatest extent feasible, contains all marijuana related odors within the facility rather than allowing such odor to escape outside. Sufficient measures and means of preventing odor, debris, fluids and other substances from escaping the facility must be in effect at all times.~~
- C. ~~Provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the facilities' exterior refuse containers. Outdoor storage of the marijuana merchandise, raw materials, or other marijuana materials associated with the production of marijuana is prohibited; and~~
- D. ~~All marijuana activities, processing, and operations shall be conducted indoors and shall not be visible to the general public.~~
- E. ~~Comply with all applicable state and local laws and regulations, including, but not limited to building and fire codes and the zoning and land development code.~~

7.985 Tax Imposed. As described in section 34a of House Bill 3400 (2015), the City of Lafayette hereby imposes a tax of three (3) percent on the retail sale price of marijuana items by a marijuana retailer located in the City of Lafayette.

7.990 Collection. The tax shall be collected at the point of sale of any marijuana item by a marijuana retailer at the time at which the retail sale occurs and remitted by each marijuana retailer that engages in the retail sale of marijuana items.

7.995 Penalty. Any violation of any provision of sections 7.960 to 7.990 shall constitute a Class A Violation, which shall not exceed \$500 per violation per day the violation exists.

VI. FINDINGS

The following findings conclude the proposed amendments are consistent with Statewide Planning Goal 1, Citizen Involvement, Goal 2, Land Use Planning, and Goal 9, Economy, and the remaining Statewide Planning Goals do not apply. The findings also conclude the proposed amendment is consistent with the applicable criteria in the Lafayette Development Code for legislative amendments to the text of the Lafayette Development Code.

Statewide Planning Goals

Goal 1, Citizen Involvement: The Planning Commission held public work sessions on August 14 and October 19, 2023 and a public hearing on November 16, 2023. The City Council will hold a public hearing on December 14, 2023. The hearings are consistent with the Lafayette Zoning and Development Ordinance's (LZDO) procedures for legislative amendments to the LZDO. Goal 1 is met.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Planning Goals. Adoption actions are consistent with the acknowledged Lafayette Zoning and Development Ordinance (LZDO) for processing legislative amendments.

Goal 2 supports clear and thorough local procedures. The proposed amendments are based on review, analysis and discussion of the issues and the proposed amended language to move the zoning regulations related to medical and recreational marijuana retail stores into the Lafayette Zoning and Development Ordinance's C-1 and C-2 Districts (LZDO). The proposed amendments are consistent with a thorough process. Goal 2 is met.

Goal 3, Agricultural Lands: Goal 3 is not applicable. The proposal does not involve or affect farm lands.

Goal 4, Forest lands: Goal 4 is not applicable. The proposal does not involve or affect forest lands.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources. Goal 5 is not applicable. The proposal does not address Goal 5 resources.

Goal 6, Air, Water and Land Resource Quality: Goal 6 is not applicable. The proposal does not address Goal 6 resources.

Goal 7, Natural Hazards: Goal 7 is not applicable. The proposal does not address Goal 7 resources.

Goal 8, Recreation: Goal 8 is not applicable. The proposal does not address recreational needs.

Goal 9, Economic Development. The proposed retention of the 1,000 foot distance around public elementary and secondary school and the deletion of the 1,000 foot distance around public property, except public rights-of-way, other marijuana retail stores, and licensed child care facilities will allow for medical and recreational marijuana retail stores which may improve the local economy. Goal 9 is met.

Goal 10, Housing: Goal 10 is not applicable. The proposal does not address Goal 10 issues.

Goal 11, Public Facilities and Services: Goal 11 is not applicable. The proposal does not address Goal 11 issues.

Goal 12, Transportation: Goal 12 is not applicable. The proposal does not address Goal 12 issues.

Goal 13, Energy Conservation: Goal 13 is not applicable. The proposal does not address Goal 13 resources.

Goal 14, Urbanization: Goal 14 is not applicable. The proposal does not address Goal 14 issues.

Goal 15, Willamette River Greenway. Goal 15 is not applicable. The City is not on the Willamette River Greenway.

Goals 16 – 19, Coastal Goals. Goals 16 – 19 are not applicable. The City is not on the coast.

The proposed amendments to the Lafayette Zoning and Development Ordinance are consistent with the Statewide Goals 1, 2 and 9 and the remaining Goals are not applicable because the amendments do not affect issues addressed by Goals 3 – 8 and Goals 10 - 14.

Lafayette Zoning and Development Ordinance Criteria

The proposed amendments are a legislative amendment to the text of the Lafayette Zoning and Development Ordinance (LZDO). The LZDO, Section 3.207, Type IV Actions, does not set forth approval criteria for legislative amendments to the text of the LZDO.

Conclusory Finding

The proposed medical and recreational marijuana retail store amendments to the Lafayette Zoning and Development Ordinance are consistent with Statewide Land Use Planning Goal 1, Citizen Involvement, and Goal 2, Land Use Planning, and Goal 9, Economy, and the remaining Goals are not applicable.

VII. STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend the City Council approve the proposed amendments to add the medical and recreational marijuana retail store use as a permitted use to the Commercial-Core (C-1) District and the Commercial-General (C-2) District in the Lafayette Zoning and Development Ordinance, as shown above.

XIII. PLANNING COMMISSION ACTION

A. The Planning Commission's options are:

1. Pass a motion adopting the staff report and recommending the City Council approve the proposed amendments.

Sample Motion: I move the Planning Commission adopt the staff report and recommend the City Council approve the proposed amendments.

2. Pass a motion adopting the staff report with revised findings and/or code language and recommending the City Council approve the proposed amendments with changes.

Sample Motion: I move the Planning Commission adopt the staff report with revised findings and/or code language and recommend the City Council approve the proposed amendments with the changes.

3. Pass a motion adopting the staff report with revised findings and recommending the City Council deny the proposed amendments.

Sample Motion: I move the Planning Commission adopt the staff report with revised findings and recommend the City Council deny the proposed amendments.

4. Pass a motion continuing the hearing to a date and time certain to allow additional information to be entered into the record of the hearing.

Sample motion: I move the Planning Commission continue the hearing to a date-time certain to allow additional information to be entered into the record of the hearing, and state the information to be obtained.