

ORDINANCE NO. 831

AN ORDINANCE AMENDING CHAPTERS 1.020, 3.123, 3.163, 3.173, and 4.720 OF THE TROUTDALE DEVELOPMENT CODE BY ALLOWING MEDICAL MARIJUANA FACILITIES AS A CONDITIONAL USE IN THE GENERAL COMMERCIAL, LIGHT INDUSTRIAL AND GENERAL INDUSTRIAL DISTRICTS AND PROHIBITING THESE FACILITIES AS A CONDITIONAL USE IN THE GENERAL COMMERCIAL DISTRICT WITHIN THE TOWN CENTER OVERLAY ZONE.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. During the 2013 Special Session, the Oregon legislature passed HB 3460, which allows for the establishment and licensing of medical marijuana facilities; and
2. The Oregon Health Authority has formulated administrative rules governing the licensing of medical marijuana facilities and began accepting applications for their operation on March 3, 2014; and
3. During the 2014 Regular Session, the Oregon Legislature passed SB 1531, which limits the ability of cities and counties to regulate medical marijuana facilities to the time, place and manner in which a facility may dispense medical marijuana; and
4. Ordinance 821 adopted by City Council on April 22, 2014, effectively prohibits medical marijuana facilities in the City; and
5. Ordinance 821 automatically expires and is deemed to be repealed at 11:59:59pm on April 30, 2015, unless sooner repealed by City Council ordinance;
6. Medical marijuana facilities are not defined in the Troutdale Development Code (TDC); and
7. Chapters 3.123, 3.163 and 3.173 of the TDC specifies those uses requiring a Conditional Use Permit review prior to approval in the City's General Commercial (GC), Light Industrial (LI), and General Industrial (GI) Zoning Districts; and
8. The addition of medical marijuana facilities as a conditional use in the GC, LI, and GI zones will only apply if the Troutdale City Council repeals Ordinance 821 prior to April 30, 2015; and
9. If the Council repeals Ordinance 821 in the future, medical marijuana facilities (licensed and authorized under state law) will be permitted as a conditional use in the GC, LI, and GI Zoning districts and no other zone provided that they are not located within 1,000 feet of real property which is the site of a public or private school or a public park; and
10. The Town Center is envisioned as the district that provides shopping, employment, cultural, and recreational opportunities that serve the Troutdale area; and
11. Medical marijuana facilities will be prohibited in the GC district within the Town Center Overlay Zone.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE

Section 1. Chapter 1.020 General Definitions of the TDC shall be amended as set forth in the attached Attachment A.

Section 2. Chapter 3.123 of the TDC shall be amended as set forth in the attached Attachment A.

Section 3. Chapter 3.163 of the TDC shall be amended as set forth in the attached Attachment A.

Section 4. Chapter 3.173 of the TDC shall be amended as set forth in the attached Attachment A.

Section 5. Chapter 4.720 of the TDC shall be amended as set forth in the attached Attachment A.

Section 6. A medical marijuana facility will only exist as a conditional use in the GC, GI and LI zoning districts and no other zoning district if the Troutdale City Council repeals Ordinance 821 prior to April 30, 2015. Therefore, the amendments in Section 1 through 5 of this ordinance will only be effective if Ordinance 821 is repealed and the amendments will not be codified until that time.

Section 7. This ordinance is effective upon and from 30 days after its enactment by the Council.

YEAS: 6

NAYS: 1 Morgan

ABSTAINED: 0



Doug Daoust, Mayor

Date 3/27/15



Sarah Skroch, Deputy City Recorder

Adopted: March 24, 2015

PROPOSED TEXT AMENDMENTS – MEDICAL MARIJUANA FACILITIES

TROUTDALE DEVELOPMENT CODE

Amend Chapter 1.020 – Definitions – by adding the following definition and renumbering accordingly:

1.020 GENERAL DEFINITIONS

.80 Medical Marijuana Facilities. *A facility registered with the Oregon Health Authority under ORS 475.314 and OAR 333-008-1050 to:*

i. Accept the transfer of usable marijuana and immature marijuana plants from a registry identification cardholder, the designated primary caregiver of a registry identification cardholder, or a person responsible for a marijuana grow site to the medical marijuana facility; or

ii. Transfer usable marijuana and immature marijuana plants to a registry identification cardholder or the designated primary caregiver of a registry identification cardholder.

Amend Chapter 1.020 – Definitions – by adding the following definition and renumbering accordingly:

1.020 GENERAL DEFINITIONS

.92 Park. *A forest, reservation, playground, beach, recreation center or any other area in the city, owned or used by the city and devoted to active or passive recreation.*

Amend Chapter 1.020 – Definitions – by amending the following definition:

1.020 GENERAL DEFINITIONS

.102 School. A public, parochial, or private institution that provides educational instruction to students: ***including accredited colleges or universities.*** This definition does not include trade or business schools or colleges.

Amend Chapter 3.123 General Commercial – by amending the conditional use list for properties in the General Commercial zone.

3.123 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the GC district:

- A. Wholesale distribution outlets, including warehousing.
- B. Off-street parking, and storage of truck tractors and/or semi-trailers.

- C. Heliport landings.
 - D. Outdoor stadiums and race tracks.
 - E. Automobile and trailer sales areas.
 - F. Community service uses.
 - G. Utility facilities, major.
 - H. *Medical Marijuana Facilities licensed and authorized under state law, when not located within 1,000 feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, "within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within 1,000 feet of an existing Medical Marijuana Facility.***
 - ~~H.-I.~~ Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90]
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Amend Chapter 3.163 Light Industrial – by amending the conditional use list for properties in the Light Industrial zone.

3.163 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses within a LI district:

- A. Heliports accessory to permitted or approved conditional uses.
- B. Retail, wholesale, and discount sales and services, including restaurants, banks, dry-cleaners, and similar establishments, with or without drive-up or drive-through window service, subject to the provisions of subsection 3.165(E) of this chapter.
- C. Community service uses.
- D. Utility facilities, major.
- E. Automobile, truck, trailer, heavy equipment, recreational vehicle, boat and manufactured home sales, rentals, and repair shops.
- F. Card-lock fueling stations, truck stops, service stations, tire shops, and oil change facilities.
- G. Motels or hotels, including banquet rooms, conference, or convention centers.
- H. Commercial sports complexes including, but not limited to, health clubs, tennis courts, aquatic centers, skating rinks, and similar facilities.

I. Child care facilities, kindergartens, and similar facilities.

J. Medical Marijuana Facilities licensed and authorized under state law, when not located within 1,000 feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, "within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within 1,000 feet of an existing Medical Marijuana Facility.

J.K. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 660, ef. 5/28/98; Amended by Ord. 724, ef. 11/8/02; Amended by Ord. 792, ef. 9/25/08]

Amend Chapter 3.173 General Industrial – by amending the conditional use list for properties in the General Industrial zone.

3.173 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses within the GI district:

A. Child care facilities, kindergartens, and similar facilities.

B. Community service uses.

C. Concrete or asphalt manufacturing plants.

D. Sanitary landfills, recycling centers, and transfer stations.

E. Sewage treatment plants and lagoons.

F. Telecommunication towers and poles.

G. Junk yards.

I. Residential dwelling/hangar mixed uses when the hangars are served by a taxiway with direct access to the Troutdale Airport Runway. The use shall be subject to the following requirements:

1. Approval from the Port of Portland.

2. Approval from the Federal Aviation Administration.

3. No separate accessory structures are allowed.

I. Heliports accessory to permitted or approved conditional uses.

J. Commercial sports complexes including, but not limited to, health clubs, tennis courts, aquatic centers, skating rinks, and similar facilities.

K. Commercial uses within industrial flex-space buildings, subject to the provisions of subsection 3.175(D) of this chapter.

L. Processing facilities whose principal use involves the rendering of fats, the slaughtering of fish or meat, or the fermentation of foods such as sauerkraut, vinegar, and yeast.

M. The manufacturing or storing of toxic or hazardous materials when done in compliance with federal and state regulations.

N. Medical Marijuana Facilities licensed and authorized under state law, when not located within 1,000 feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, "within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within 1,000 feet of an existing Medical Marijuana Facility.

N. O. Other uses similar in nature to those listed above. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 660, ef. 5/28/98; Amended by Ord. 724, ef. 11/8/02; Amended by Ord. 792, ef. 9/25/08]

Amend Chapter 4.720 – Town Center Overlay – by amending subsection E. of the permitted and conditional use list for properties in the General Commercial zone and the Town Center Overlay. Subsections A through D are to remain unchanged.

4.720 Permitted and Conditional Uses. Permitted and conditional uses are the same as those listed in the underlying zoning districts with the following exceptions:

E. General Commercial (GC).

1. Additional permitted uses: Single-family detached dwellings (except manufactured homes), duplex, triplex, attached, and multiple-family dwellings, provided the residential use is located above or behind a permitted commercial use, whether within the same building as the commercial use or in a separate building; and public parking lots.

2. Eliminated permitted uses: Automotive repairs, including painting and incidental body and fender work; automotive service stations; lumber yards (retail sales only); and tire shops.

3. Eliminated conditional uses: Automobile and trailer sales area, heliport landings, off-street parking and storage of truck tractors and/or semi-trailers, outdoor stadiums and racetracks, wholesale distribution outlets, including warehousing- ***and medical marijuana facilities.*** [Adopted by Ord. 658, ef. 3/12/98; Repealed and readopted by

ATTACHMENT A
to Ordinance No. 831

Ord. 661, ef. 7/23/98; Amended by Ord. 716, ef. 5/9/02; Amended by Ord. 770, ef. 2/23/06; Amended by Ord. 806, ef. 5/26/11].