

**CITY of THE DALLES**

313 COURT STREET  
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125  
PLANNING DEPARTMENT

**RESOLUTION NO. PC 599-22**

Approval of Conditional Use Permit Application **200-21, Tony Cheng**, to construct and operate a 10,400 SF indoor recreational marijuana farm. Property is located at 2610 W. Second Street and is further described as 2N 13E 33 BB tax lot 1500. Property is zoned “CL1” – Commercial/Light Industrial.

**I. RECITALS:**

- A. The Planning Commission of the City of The Dalles has on January 20, 2022, conducted a public hearing to consider the above request. A staff report was presented, stating the findings of fact, conclusions of law, and a staff recommendation.
- B. Staff’s report of Conditional Use Permit 200-21 and the minutes of the January 20, 2022 Planning Commission meeting, upon approval, provide the basis for this resolution and are incorporated herein by reference.

**II. RESOLUTION:**

Now, therefore, be it FOUND, DETERMINED, and RESOLVED by the Planning Commission of the City of The Dalles as follows:

In all respects as set forth in Recitals, Part “I” of this resolution, Conditional Use Permit 200-21 is hereby approved with the following conditions of approval:

**A. Conditions Requiring Resolution Prior to Building Permit Approval**

1. The Applicant shall submit for the review and approval of City Staff:
  - a. Professionally engineered plans for the half street improvements including the sidewalk, curb, gutter, and drive approach installation. All onsite and offsite improvements must be installed by the applicant in accordance with Land Use Development Ordinance and the APWA standards, specifications, and drawings, as amended and adopted by the City, and approved by the City Engineer, or otherwise guaranteed to be completed by the applicant to the satisfaction of the City. New drive approaches shall be constructed to ensure safe and convenient access for emergency vehicles. The fire marshal shall review the final engineered plans to ensure this criterion is met.
  - b. A plan for the building addition. All dimensions and specifications shall be consistent with the preliminary plans included in this staff report.

- c. A site plan, drawn to scale, showing the entire site layout and showing the required parking spaces, including a one van-accessible space. One bicycle parking space shall be shown on this site plan.
- d. A detailed landscaping plan of the site and parking lot will be required to be submitted to the Community Development Department prior to final sign off on improvements. The landscaping plan shall not include the bare soil added to the total landscaped area. The landscaping area shall include a 5 foot buffer and tree as outlined in the findings above. All proposed tree species must be selected from the recommended tree list approved by the Director. Details of the irrigation system, with a backflow prevention device, shall be provided.
- e. Building construction plans demonstrating compliance with the City's air circulation filtration/odor control standards for marijuana processing facilities, including fans and air filters. The plans must show the proposed location and specifications for all proposed units, demonstrating compliance with The Dalles Municipal Code Section 10.5.070.030.B.2.
- f. A lighting plan demonstrating compliance with lighting maximum illumination levels at the property line of an average of 0.3 for non-cut-off light and 1.0 for cut-off lights and shall not produce glare in any public right-of-way, or otherwise constitute a nuisance on any adjacent per Section 10.7.030.120 Outdoor Lighting.
- g. All parking and maneuvering areas will be required to be hard surface and marked per the City's standards.
- h. All parking spaces shall be striped.
- i. All circulation arrows shall be painted on the parking lot to facilitate the movement of vehicles and pedestrians in a safe and efficient manner.
- j. The building used for marijuana production, processing, storage, or wholesaling shall be equipped with a carbon filtration system for odor control

## **B. Conditions Required Prior to Construction**

- 1. The marijuana production, processing, storage, or wholesaling business's state licensing must be in good standing with the Oregon Health Authority or the Oregon Liquor Control Commission, and the business must comply with all applicable rules and regulations administered by the respective state agencies, including without limitation, those rules that relate to labeling, packaging, testing, security, waste management, food handling, training, air quality, and storm water standards.
- 2. The Applicant must schedule a pre-construction meeting with the City's Public Works Department for all work conducted within the City's right-of-way or utility work.

## **C. Ongoing Conditions**

- 1. All development must adhere to the approved site plan for this development.

2. The marijuana production, processing, storage, or wholesaling business's state licensing must be in good standing with the Oregon Health Authority or the Oregon Liquor Control Commission, and the business must comply with all applicable rules and regulations administered by the respective state agencies, including without limitation, those rules that relate to labeling, packaging, testing, security, waste management, food handling and training, air quality, and storm water standards.
3. All landscaping must be maintained and irrigated to ensure survival of plant materials.
4. Any activity that produces radio or television interference, noise, glare, dust or particulate matter, vibration, smoke or odor beyond the site or beyond allowable levels as determined by local state and federal standards shall not be allowed. If activities are deemed to exceed the local and federal standards the subject application may be revoked per Section 10.3.030.100 Revocation.
5. Lighting levels Maximum illumination at the property line shall not exceed an average horizontal foot candle of 0.3 for non-cut-off light and 1.0 for cut-off lights and shall not produce glare in any public right-of-way, or otherwise constitute a nuisance on an adjacent property per Section 10.7.030.120 Outdoor Lighting.
6. The refuse collection site shall remain screened from public right-of-way or neighboring properties. Trash receptacles should be sized to fully accommodate the needs of the business.
7. No retail use shall be permitted with this development.
8. No outdoor storage of materials or supplies related to this proposed use is requested and will not be allowed including marijuana byproducts including marijuana being loaded and unloaded at the subject facility.
9. Marijuana production, processing and wholesaling shall occur only in a completely enclosed building.
10. The following application may be revoked if the applicant fails to meet the conditions of approval outlined in the Staff Report, if the applicant fails to the project according to the approved plans, or if the applicant gave misleading information per Section 10.3.030.100 Revocation.

### **III. APPEALS, COMPLIANCE, AND PENALTIES:**

- A. Any party of record may appeal a decision of the Planning Commission to the City Council for review. Appeals must be made according to Section 3.020.080 of the Land Use and Development Ordinance, and must be filed with the City Clerk within ten (10) days of the date of mailing of this resolution.
- B. Failure to exercise this approval within the time limits set either by resolution or by ordinance will invalidate this permit.
- C. All conditions of approval must be met within the time limits set by this resolution or by ordinance. Failure to meet any condition will prompt enforcement proceedings that can result in: 1) permit revocation; 2) fines of up to \$500.00 per day for the violation period; 3) a civil proceeding seeking injunctive relief.

The Secretary of the Commission shall (a) certify to the adoption of the Resolution; (b) transmit a copy of the Resolution along with a stamped approved/denied site plan or plat to the applicant.

APPROVED AND ADOPTED THIS 20<sup>TH</sup> DAY OF JANUARY, 2022.

DocuSigned by:

*Cody Cornett*

1/24/2022 | 3:55 PM PST

3E404169686E460..., Chair  
Planning Commission


I, Alice Cannon, Community Development Director for the City of The Dalles, hereby certify that the foregoing Resolution was adopted at the regular meeting of the City Planning Commission, held on the 20<sup>th</sup> day of January, 2022.

AYES: Aparacio, Cornett, Easling, Poppoff

NAYS: None

ABSENT: Mascher, Miller, Pena

ABSTAIN: None



ATTEST: \_\_\_\_\_  
Alice Cannon  
Community Development Director  
City of The Dalles