

**CITY OF MADRAS  
125 SW "E" STREET  
MADRAS, OR 97741  
541-475-2344**

Planning Commission Meeting  
City Hall, Council Chambers

September 7, 2016  
7:00 p.m.

**AGENDA**

I. Call to Order

II. Consent Agenda

- A. Approve September 7, 2016 Planning Commission Meeting Agenda
- B. Approval of May 18, 2016 Planning Commission Agenda

III. Visitor Comments

IV. Recreational Marijuana Regulations (File: TA-16-1)

*Legislative Public Hearing*

**Legislative Public Hearing Disclosure Statement:**

We will now open the hearing on File: TA-16-1. This is a legislative matter. Does any Planning Commissioner have an actual economic conflict of interest to disclose? If yes, they will need to refrain from participating in the deliberations and voting on the issue.

A. Recreational Marijuana Zoning Ordinance (No. 864) Text Amendments.

- 1 Staff Report
- 2 Public Testimony
- 3 Staff Comments
- 4 Deliberation
- 5 Motion to recommend approval, modification or denial of the request.

Nicholas Snead, Community Development Director

B. Recreational Marijuana Time, Place, and Manner Regulations

- 1 Staff Report
- 2 Public Testimony
- 3 Staff Comments
- 4 Deliberation
- 5 Motion to recommend approval, modification or denial of the request.

Nicholas Snead, Community Development Director

*\*\* The Planning Commission will either approve, approve with conditions of approval, deny, or continue the Public Hearing to a date and time certain.*

V. Additional Discussion

VI. Adjourn

Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the above referenced meeting; however, the agenda does not limit the ability of the Planning Commission to consider additional subjects. Meetings are subject to cancellation without notice. This meeting is open to the public and interested citizens are invited to attend. This is an open meeting under Oregon Revised Statutes, not a community forum; audience participation is at the discretion of the City Planning Commission. **Anyone wishing to address the Commission will need to register prior to the meeting.** The meeting will be audio taped; minutes of this and all public meetings are available for review at the Madras City Hall. The meeting place is handicapped accessible; those needing assistance please contact the City of Madras Community Development prior to the meeting.

**City of Madras  
Planning Commission Meeting  
Official Minutes  
May 18, 2016**

I. **Call to Order**

The City of Madras Planning Commission public meeting was called to order by Chair Joel Hessel 7:00 p.m. on Wednesday May 18, 2016 in the Madras City Hall Council Chambers at 125 SW E. Street.

**Commissioners in Attendance:**

Joel Hessel  
Joe Krenowicz  
Ali Alire

**Vacancy:**

Commissioner Denise Piza  
One Vacancy

**Staff Members in Attendance:**

Attorney, Garret Chrostek  
Administrative Assistant; Michele Quinn

**Visitors in Attendance were:**

Cathy Thompson  
Arda Johnson  
Fabian Corona

II. **Consent Agenda**

**A MOTION WAS MADE BY COMMISSIONER JOE KRENOWICZ TO APPROVE THE CONSENT AGENDA AS AMENDED. THE MOTION WAS SECONDED BY COMMISSIONER ALI ALIRE. THE MOTION PASSED UNANIMOUSLY. 3/0 JOE KRENOWICZ, ALI ALIRE, AND JOEL HESSEL IN FAVOR**

III. **Visitor Comments**

IV. **Fabian Corona Conditional Use and Home Occupation ( Files: CU-16-2 & HO-16-2)**

(Quasi-Judicial)

Chair Joel Hessel read the statement for Quasi-Judicial Land Use Hearings

1. The Planning Commission will declare ex parte communications, including site visits as well as actual and potential conflicts of interests. Those in attendance will have an opportunity to challenge the disclosures.
2. A planning staff representative will outline the application and the approval criteria. This information is also outlined in the staff report which is available to the public.
3. The Planning Commission will hear testimony, receive evidence and consider the testimony, evidence and information already submitted into the record.
4. Testimony and evidence at these hearings must be directed toward the criteria set forth in the notice of the hearing and listed in the respective staff report. In addition, testimony may be directed to any other criteria in the comprehensive land use plan of the City or land use regulations which any person believes applies.

5. The applicant has the burden of proving that his or her application meets all of the applicable criteria.
6. Failure on the part of any person to raise an issue with sufficient specificity to afford the Planning Commission and parties to this proceeding an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue.
7. Each hearing will be conducted in the following order: The staff will summarize the issues raised by the application and review the applicable criteria. The applicant will then have an opportunity to make a presentation and offer testimony and evidence. Other persons supporting the application will then be given an opportunity to present testimony. Next, opponents will then be given a chance to make a presentation. After both proponents and opponents have made a presentation, the applicant will be allowed to make a rebuttal presentation. The Council may offer an opportunity for opponents to respond to the applicant's rebuttal. At the conclusion of this hearing, the staff will be afforded an opportunity to make any closing comments. The Council may limit the time period for presentations.

This is Fabian Corona Conditional Use and Home Occupation files CU-16-2 & HO-16-2. Does the Planning Commission have any potential conflicts of interest or ex parte contact?

Commissioner Krenowicz and Commissioner Alire both answered no.

Chair Hessel asked if anyone will be abstaining from tonight's hearing?

Commissioner Krenowicz and Commissioner Alire both answered no.

Chair Hessel asked if anyone in attendance would like to challenge the Planning Commissions impartiality. There is no one so we will move on to the staff report.

Attorney Garret Chrostek explained to the Planning Commission that tonight's meeting is a request for a home occupation and conditional use approval. What is being proposed is a landscape maintenance business. This is more about allowing the address to be the business address of record, as opposed to running a business like you may see on Main Street in town. What is proposed is he is going to use it as the address of record and park work vehicles when he comes home from work and goes to jobs. We are not exactly sure of all the types of equipment that might be used in his operation. So that might be a good question for the Planning Commission to ask the applicant. All the appropriate notices were sent out and the public hearing was adequately advertised. In general, there weren't too many issues with the application other than a neighbor that had concerns and submitted a letter. His concern was how vehicles will be parked.

The criteria are set out in the draft finding in the staff report I can address any particular one if you have any questions. At a general level most of the criteria for both the home occupation and the conditional use are concerned about neighborhood compatibility. The City supports these types of home occupations that's why staff is recommending approval. There are conditions of approval that you will find on the last page of the decision. Those include limiting the business hours to traditional business hours, how vehicles trailers and other equipment will be parked and stored on site, customer's park close to site, and the applicant apply for a business license.

Commissioner Alire pointed out that in the approval Cedar Street and Beverly Street are nowhere near this property and it suggests that customer's park on Cedar and Beverly Streets. Would like to make sure we clarify that in the actual approval.

Commissioner Krenowicz asked what roads would be recommending them to park if we approve.

The Commission discussed which roads would be suitable for parking talking about Ninth and G Streets be used for parking.

Chair Hessel said I would recommend that the parking be changed to Ninth and G Street for parking. Is there anything else the Commission would like to add? We will now move on to applicant testimony.

Cathy Thompson told the Commission that Fabian has worked for her before when he was working for a professional landscaping business. I am here to help him understand. I would like to address some of your concerns. There will be no customer parking anywhere it is a residence. The address he is using is for a business mailing address only. There will be no customer traffic in and out. There will be no signs erected on the property. There are no equipment trailers or normal landscaping business equipment to be parked on or near the property. There will be no alterations or building construction on the site. There will be no employees. His truck is a regular truck Chevrolet Silverado. There will be no traffic increase as there will be no customer or equipment. There will be no hours of business he will be going to the customer's house. There will be no adverse impacts as there will be no customer's to the property. He will not be using the land for anything other than using the mailing address.

Commissioner Alire asked the applicant if they ever foresee him wanting to bring his equipment to the house in the future.

Cathy Thompson no, any equipment he would acquire he would store at my place I am outside the city and live on almost six acres.

Chair Hesse noted that it would be just the truck coming and going from the property. I don't have any further questions. Does staff have any further comment?

Attorney Garret Chrostek said yes I would like to try and help the applicant understand and the Commission as well with the respect to the one-year period. What that means you need to perfect any approval that the Planning Commission might grant you by implementing the use. What that means in this case is getting the business license. So as long as you get the business license within a year and start the business you have satisfied it. I recommend that you still impose the parking conditions of approval, because they don't preclude anything that he is going to do and someday he may have a trailer.

Chair Hesse is there any proponent testimony, neutral, or opponent testimony? At this time 7:28 p.m. we will close the public hearing.

Commissioner Krenowicz asked for some clarification does the conditional use and home occupancy good through the ownership or the occupancy of the home its self? So if Fabian owns the property does this occupancy continue to the new owner?

Attorney Garret Chrostek explained that land use approvals run with the land but you can abandon them if you don't put them to use. So if the property sold and the new owner didn't continue to use the use it potentially would abandon it.

Commissioner Alire asked is it specific to business would it have to be another landscaper?

Attorney Garret Chrostek said you would just be approving the landscaping business if it were something different they would need to come back and get a modification.

Commissioner Krenowicz asked if Fabian wanted he could still park his truck with a trailer at his home overnight would he be in violation of his conditional use?

Attorney Garret Chrostek replied saying coming home with a trailer is not operating the business.

Commissioner Krenowicz said in regards to conditions of approval number three. The location vehicles, trailers, and any other related to equipment of the Home Occupation shall be limited to the subject property or on 9<sup>th</sup> Street directly adjacent to the subject property. Which is basically at the curb between his property lines is that correct?

Attorney Garret Chrostek said yes I think that is the general parameter that condition is calling out, and that might be what we replace number four with.

Commissioner Krenowicz said number 3 his equipment and his property can be parked on 9<sup>th</sup> Street between his property line and his curb in front of his home. Does that include being able to park a trailer in his driveway? What I would like to clarify on number 3 is that we have locations in town where people park equipment or product on the grass because they ran out of room. Is there a way to clarify it so if there is going to be any vehicles with this Home Occupancy that they are limited to parking on the drive and not lawns and side of the house?

Attorney Garret Chrostek answered yes we could add some details to number 3 to talk about designated parking areas and that being his driveway and the adjacent street parking directly in front of the house.

Commissioner Krenowicz asked the Commission I don't know where you are at on that but I see too much of it I would like to clarify where people could park.

Commissioner Alire commented that adjacent to me means he could park on the other side of the street as well in front of a neighbor's house.

Attorney Garret Chrostek said we could change the wording until you are comfortable. I believe that Nick used the word directly adjacent.

Commissioner Krenowicz said if we could clarify number 3 being the curb side of the property that Fabian owns.

The Commission discussed how to clarify number 3 of the conditions of approval so that the parking would be available to the resident directly in front of the residence at curb side, and any parking driveway.

Attorney Garret Chrostek reminded the Commission that they would need to reopen the hearing if they are going to take any additional comment.

Chair Hessel reopened the hearing at 7:36 p.m.

Cathy Thompson stated that there will never be with him and his business equipment parked at this property.

Commissioner Krenowicz said I appreciate that comment but if this conditional use is transferrable to the next owner of this property. We want to make sure if they are going to have a landscaping business at that property location they know all of the conditions of approval. We are trying to protect ourselves to a new future owner not just our conversation with Fabian.

Chair Hesse! told the Commission I have penciled a quick rough draft. The location of vehicles, trailers, and any other related to equipment of the home occupation, shall be limited to the subject property driveway or 9<sup>th</sup> Street directly in front of the subject property. We will also make the change to number four so it is relevant to the area.

Commissioner Krenowicz said number four it looks to me that we are allowing them to park in other locations.

Commissioner Alire said number four talks about customers.

Chair Hessel added that basically if he would have customers he would advise them to park on 9<sup>th</sup> or G Street. At this time, we will close the hearing.







**DISCUSSION:**

The Community Development Department sought direction from the City Council on March 22, 2016 and thereafter, about how to develop Recreational Marijuana Zoning and Time, Place, and Manner regulations for Recreational Marijuana. Ultimately, the City Council determined, by passing Resolution No. 09-2016, to establish a Recreational Marijuana Advisory Committee (RMAC) to develop the needed regulations that would be composed of 3 City Councilors, 2 Planning Commissioners, the Jefferson County Economic Development Manager, 4 Marijuana Industry representatives, and 2 Madras citizens. The RMAC held five meetings between June and August of 2016. The RMAC made decisions on a consensus basis and provided each Committee member to provide input on each aspect of the proposed regulations. The RMAC also provided citizens the ability to provide public comments at each meeting. The Community Development Director, Chief of Police, City Attorney, and citizens also provided information and guidance to the RMAC each meeting. The meeting minutes for all five of the RMAC meetings are provided in Attachments A through E.

**APPROACH:**

Staff implemented an 11-question attitudinal community survey to determine the perceptions (i.e. feeling and attitudes) of community members about where Recreational Marijuana growing, processing, and retail sales should be located by zoning district, concerns with existing Medical Marijuana dispensaries (i.e. retail sales), the ability to provide any other comments or concerns. 125 survey responses were submitted, compiled, analyzed, summarized, and presented to the RMAC. The results for the survey provided an indicator on the issues and concerns the community may have regarding growing, processing, and retail sales of Recreational Marijuana and how regulations may be developed to respond to the issues and concerns of those who responded to the survey.

After considering the survey results the RMAC developed the proposed Recreational Marijuana regulations by first determining which uses (i.e. growing, processing, wholesaling, and retail sales) would be allowed in each of the City's zoning districts. Thereafter, the RMAC determined what aspects of the use needed to be regulated (e.g. hours of operation, odor control, lighting limitations, etc.). Finally, the Committee developed specific regulations Zoning and Time, Place, and Manner Regulations as showing in Exhibits 2 and 3 (attached).

**ISSUES:**

In general, the RMAC considered whether or not the City's Recreational Marijuana regulations needed to be equal or exceed the related state laws. Ultimately, the consensus of the Committee was that the City regulations needed to be equal to state law with a few exceptions. In particular, the Committee felt that air filtration, Class II felonies, accounting, record keeping, the type of building (for growing and processing), where Recreational Marijuana may be grown (inside or outside of a building), and Lighting standard needed to exceed the requirements of state law. A summary of the regulations is provided in Exhibit 1.

**RMAC RECOMMENDATION TO THE PLANNING COMMISSION:**

At the August 4, 2016 RMAC meeting the Committee unanimously approved the proposed Zoning Ordinance (No. 864) text amendments and the Recreational Marijuana Time, Place, and Manner regulations. There are not any unresolved issues or differences of opinion on the content, process, or otherwise of the proposed Recreational Marijuana regulations.

**SUPPORTING DOCUMENTATION:**

Attachment A: June 9, 2016 RMAC Meeting Minutes (Approved)  
Attachment B: June 23, 2016 RMAC Meeting Minutes (Approved)  
Attachment C: July 7, 2016 RMAC Meeting Minutes (Approved)  
Attachment D: July 21, 2016 RMAC Meeting Minutes (Not Approved)  
Attachment E: August 4, 2016 RMAC Meeting Minutes (Not Approved)

Exhibit 1: Recreational Marijuana Regulations Summary Table  
Exhibit 2: Zoning Ordinance Recreational Marijuana Text Amendments  
Exhibit 3: Recreational Marijuana Time, Place, and Manner Regulations

**OPTIONS FOR PLANNING COMMISSION ACTION:**

1. Take formal action to approve the proposed Recreational Marijuana regulations as proposed and forward the regulations to the City Council for consideration and final action.
2. Take formal action to approve with specific modifications the proposed Recreational Marijuana regulations as proposed and forward the regulations to the City Council for consideration and final action.
3. Take formal action to not approve the proposed Recreational Marijuana regulations and forward the regulations to the City Council for consideration and final action.
4. Take no action and continue the public hearing to a date and time certain.

**STAFF RECOMMENDATION:**

That the Planning Commission approves the proposed Zoning Ordinance (No. 864) text amendments and the Time, Place, and Manner Recreational Marijuana regulations as presented and forward the regulations to the City Council for consideration and final action.

**MOTION FOR COMMISSION ACTION:**

I move that the Planning Commission approves the proposed Zoning Ordinance (No. 864) text amendments and the Time, Place, and Manner Recreational Marijuana regulations as presented and forward the regulations to the City Council for consideration and final action.

City of Madras  
Recreational Marijuana Advisory Committee Meeting  
Meeting Minutes  
June 9, 2016

**1. Call to Order**

The Recreational Marijuana Advisory Committee Meeting was called to order by Mayor, Royce Embanks at 3:00 p.m. on Thursday, June 9, 2016 in the Madras City Council Chambers.

**Members in Attendance:**

Michelle Hallas, Shawn Winsor, Janet Brown, Mike Boynton, Sam Stapleton, Ali Alire, Joe Krenowicz, Tom Brown, Richard Ladeby, Royce Embanks, Jocelyn Anderson.

**Members Absent Were:**

**Staff Members in Attendance:**

Nicholas Snead, Community Development Director  
Jeremy Green, City Attorney  
Alan Dale, City Attorney  
Michele Quinn, Administrative Assistant  
Rob Dehnert, Assistant Planner

**2. Introductions**

**3. Appointment of Committee Chair and Vice Chair**

A. Chair

**A MOTION WAS MADE BY JOE KRENOWICZ TO APPROVE JANET BROWN AS CHAIRPERSON FOR THE RECREATIONAL MARIJUANA ADVISORY COMMITTEE. THE MOTION WAS SECONDED BY COMMISSIONER ALI ALIRE AND PASSED UNANIMOUSLY. 11/0**

B. Vice Chair

**A MOTION WAS MADE BY JOE KRENOWICZ TO APPROVE MIKE BOYNTON AS VICE CHAIRPERSON FOR THE RECREATIONAL MARIJUANA ADVISORY COMMITTEE. THE MOTION WAS SECONDED BY COMMISSIONER RICHARD LADEBY AND PASSED UNANIMOUSLY. 11/0**

**4. Overview of City of Madras Resolution No. 09-2016**

Community Development Director Nicholas Snead went over Resolution No. 09-2016 and explained that City Council passed this resolution to adopt zoning and reasonable, time, place, and manner regulations prior to the general election. This Committee has eleven members appointed by City Council and each member will serve on the RMAC commencing the adoption of this resolution and ending on November 8, 2016. The RMAC will act as an advisory body to the City of Madras Planning Commission and City

Council.

**5. Discussion of Committee Meeting Schedule and Procedures**

Community Development Director Nicholas Snead told the Committee that he took a leap of faith and scheduled the four meeting dates. Nick asked the Committee if the dates scheduled will work for everyone. The scheduled dates are as follows:

June 9, 2016 3:00 p.m. - 5:00 p.m.  
June 23, 2016 3:00 p.m. - 5:00 p.m.  
July 7, 2016 3:00 p.m. - 5:00 p.m.  
July 21, 2016 3:00 p.m. - 5:00 p.m.

Community Development Director Nicholas Snead explained that minutes will be taken at each meeting and that all the materials will be available on the City's website. We will need to have a quorum for each meeting and a quorum is six members. We will work through consensus or a majority of the vote if there is not a consensus. Staff will offer all materials for the meetings we would like to be paperless so if you are in need of a hard copy please let us know.

**6. Review of Legal Framework**

Jeremy Green, City Attorney introduced himself and Alan Dale and explained to the Committee how they have been advising the City. Jeremy read through the memorandum.

This memorandum concerns various legal matters surrounding the development of time, place, and manner restrictions (TPMs) for Recreational Marijuana (RMJ) establishments in the City of Madras. As a reminder, Medical Marijuana (MMJ) and RMJ are generally regulated by two different state agencies MMH by Oregon Health Authority (OHA) and RMJ by Oregon Liquor Control Commission (OLCC). Recent legislative trends suggest that the state is moving towards a consolidated system of marijuana regulation. However, at the moment, MMJ and RMJ are treated separately. The focus of the RMAC is to provide recommended regulations concerning RMJ operations in City. To this end, the RMAC will develop and recommend reasonable time, place, and manner land use regulations intend to mitigate the impacts of RMJ uses. These regulations may address, among other things, sight, sound, smell, size/scale, location, access, and other impacts associated with marijuana land uses.

**7. Review and Discussion Results of Community Survey**

Community Development Director Nicholas Snead went through the Recreational Marijuana Community Survey and explained the results to the Committee.

Question 1: Where do you live?  
51.64% lived in City Limits  
48.36% lived outside of the City limits

Question 2: What concerns do you have about the manner in which the existing dispensaries operate?  
68% said I don't have any concerns

Question 4: The City currently requires Medical Marijuana dispensaries to be at least 1,000 feet from another Medical Marijuana dispensary. Should Recreational Marijuana dispensaries have the same spacing standard?

66.12 % said yes

Question 5: In which zoning districts should growing and processing of Recreational Marijuana be limited?

Industrial Zone 25.20 %

Commercial Zone 17.89%

Residential Zone 21.95%

None 34.96 %

Question 6: Should businesses that produce recreational marijuana be prohibited in residential zones?

69.67 % Yes

30.33 % No

Question 7: What impacts of recreational marijuana growing and processing are you concerned about?

42.62 % I do not have any concerns

Questions 9: in which zoning districts should recreational marijuana wholesalers be permitted to operate?

Industrial Zone 33.33%

Commercial Zone 43.09%

None 23.58%

Question 10: In which zoning districts should retail sales of recreational marijuana be permitted to operate?

Industrial Zone 7.44%

Commercial Zone 74.38%

None 18.18%

Conclusions:

- Both City and County residents participated in the survey
- Not much concern about existing Medical Dispensaries location or signage
- Recreational dispensaries should have same 1,000 foot spacing from other dispensaries.
- Location where growing & processing recreational marijuana unclear.
- Recreational marijuana shouldn't be sold in residential areas.

Shawn Winsor asked about the spacing between the dispensaries and Joe Krenowicz added is that from property line to property line?

The Committee had questions about land use and does everybody understand the City's land use codes, and the difference between the three different commercial zones and the industrial zone.

Community Development Director Nicholas Snead explained to the Committee the difference between the commercial and industrial zones.

8. **Discussion of Zoning Districts where Processing, Retail Sales, and Wholesale of Recreation Marijuana will be permitted.**

Chair Janet Brown went around the room and asked each member where they felt processing and retail sales of recreational marijuana be permitted.

The Committee's discussion and consensus on wholesale of recreational marijuana is to keep it in the industrial zone.

The Committee's consensus on processing marijuana is to keep it in the industrial zone.

The Committees consensus on retail sales of recreational marijuana is commercial zones C-1, C-2, and C-3

The Committee decided to research labs and come back to this discussion.

9. **Discussion of Needed Regulations for Processing and Retail Sales of Recreational Marijuana.**

Due to time constraints this item was not discussed at this time.

10. **Public Comments**

There were no comments offered by the public.

11. **Discussion of June 23, 2016 Meeting Agenda and Expectations**

Community Development Director Nicholas Snead confirmed with the RMAC that the upcoming June 23, 2016 meeting will work with everyone's schedule. Nick also told the Committee that we are trying to be paperless so if you want a copy of the packet please let us know.

**Adjourn.**

Meeting adjourned at 4:55 p.m.

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Janet Brown  
Chair

Date

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Nicholas Snead  
Community Development Director

Date

City of Madras  
Recreational Marijuana Advisory Committee Meeting  
Meeting Minutes  
June 23, 2016

**1. Call to Order**

The Recreational Marijuana Advisory Committee Meeting was called to order by Mayor, Royce Embanks at 3:00 p.m. on Thursday, June 9, 2016 in the Madras City Council Chambers.

**Members in Attendance:**

Michelle Hallas, Shawn Winsor, Janet Brown, Mike Boynton, Sam Stapleton, Ali Alire, Joe Krenowicz, Tom Brown, Richard Ladeby, Jocelyn Anderson.

**Members Absent Were:**

Royce Embanks

**Staff Members in Attendance:**

Nicholas Snead, Community Development Director  
Jeremy Green, City Attorney  
Tanner Stanfill, Chief of Police  
Michele Quinn, Administrative Assistant  
Rob Dehnert, Assistant Planner

**Visitors**

Kaia Jennings, Central Organics  
Patti Fleming, HDD  
Kristen White, Plantae  
Andrew Anderson, Plantae

**2. Overview of June 9, 2016 RMAC Meeting**

Community Development Director Nicholas Snead gave a quick overview of the June 9, 2016 meeting. Nick asked the Committee if they were comfortable moving on to the different Marijuana Zoning Districts? Nick told the Committee that they need to discuss the types of regulations we want to establish for our recreational marijuana. Nick told the Committee that during the last meeting that we did not develop a consensus or agreement on the Mixed-use employment zone. I think that is one area I would like to have some more discussion on before we move on with the regulations.

**3. Confirmation of Allowed Recreational Uses by Zoning District**

Chair Janet Brown commented that growing, processing, and wholesale the industry representatives said no for a use in the mixed-use zone. I think if the industry representatives don't want them in that area and would like to leave them in the Industrial area only. I would like to go with that so if there is consensus with the Committee we can move on.

The Committee agreed with the representatives on not allowing growing, processing, wholesale, and retail in the mixed-used zone. Janet also mentioned that we did not talk about the labs at our last meeting. Janet asked if we could learn a little more about the lab and what types of testing, odors, and volatility.

Mike Boynton explained that there are some solvents but the lab is different from processing.

Labs can also be used to test items other than marijuana.

There was continued discussion on labs like how many are in Central Oregon and how big are labs. There were questions if you can have other processes in the same building as the lab (processing, growing, wholesale, retail).

Chair Janet Brown asked the industry representatives where they would like to see the labs located.

Attorney Jeremy Green told the Committee that labs can be located in residential areas under state laws. If we want to control these aspects we need to do that during this process.

The Committee discussed where to allow labs to locate in the zoning district the Committee agreed not to allow labs in residential. The Committee agreed that labs could be in the Industrial, C1, C2, C3, and mixed use.

#### 4. **Discussion of the Types of Regulations Needed for Each Recreational Marijuana Use**

Community Development Director Nicholas Snead told the Committee that the different uses like retail, wholesale, growing and processing we would require compliance in the following:

- Must meet all applicable zoning, building, and fire codes
- Air filtration/ventilation
- Owner and/ or employees cannot have prior manufacturing or delivery convictions
- Security (burglary & CCTV)
- No smoking, ingestion, or otherwise of marijuana or tobacco
- Hours of operation

Growing and Processing had additional regulations including:

- Method of Processing (open flame, or otherwise)
- Glare of Propagation lights
- Proximity to other related uses.

The Committee had a discussion about hours of operation the general consensus for hours of operation was 8:00 a.m. to 10:00p.m. The Committee also discussed that the marijuana industry be treated no different than any other business in town. The Committee also discussed security and should marijuana businesses be required to use a certain grade of camera, and what are the insurance requirements.

The Committee discussed the disposal of product and what is the record keeping process for this. The Committee discussed the proximity to other businesses and



schools. How is the 1000 feet measured is it property line to property line? The Committee discussed this and referred to ordinance 870.

Jocelyn Anderson mentioned that there is marijuana handlers permit required just like if you work in a restaurant and need a food handlers permit.

The Committee had a discussion on Growing and Processing and whether or not to allow green houses in the industrial area. There was a concern that the green houses would not meet FAA standards and they would be hard to resale if they went out of business. There was further discussion on the type of buildings they would want to allow in the industrial area for growing and processing of marijuana.

5. **Public Comments**

No Public Comments

6. **Discussion of July 7, 2016 Meeting Agenda and Committee**

Next meeting will be on July 7, 2016 at 3:00 p.m.

7. **Adjourn**

Meeting adjourned at 5:00 p.m.

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Janet Brown  
Chair

Date

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Nicholas Snead  
Community Development Director

Date

City of Madras  
Recreational Marijuana Advisory Committee Meeting  
Meeting Minutes  
July 7, 2016

**I. Call to Order**

The Recreational Marijuana Advisory Committee Meeting was called to order by Mayor, Royce Embanks at 3:00 p.m. on Thursday, July 7, 2016 in the Madras City Council Chambers.

**Members in Attendance:**

Michelle Hallas, Shawn Winsor, Janet Brown, Mike Boynton, Sam Stapleton, Ali Alire, Tom Brown, Jocelyn Anderson, Joe Krenowicz, Royce Embanks.

**Members Absent Were:**

Richard Ladeby

**Staff Members in Attendance:**

Nicholas Snead, Community Development Director  
Jeremy Green, City Attorney  
Michele Quinn, Administrative Assistant  
Rob Dehnert, Assistant Planner

**Visitors**

1. The City of Madras Recreational Marijuana Advisory Committee public meeting was called to order by Chair 3:00 p.m. on Wednesday July 7, 2016 in the Madras City Hall Council Chambers at 125 SW E. Street.

2. **Approval of June 9, 2016 RMAC Meeting Minutes**

**A MOTION WAS MADE BY COMMISSIONER JOE KRENOWICZ TO APPROVE THE CONSENT AGENDA AND MINUTES AS AMENDED. THE MOTION WAS SECONDED BY COMMISSIONER TOM BROWN. THE MOTION PASSED UNANIMOUSLY.**

3. **Overview and Requested Reports from June 23, 2016 RMAC Meeting**

- A. State Requirements for Disposal of Marijuana Products**

Jocelyn Anderson explained to the Committee the current practices being used in the Marijuana Industry. She also explained the procedures that are taken to dispose of Medical products when needing to be disposed.

The Committee agreed to table this subject until more information is available. Jeremy Green agreed to look into the disposal of marijuana products and will provide more information at the next meeting.

The Committee discussed following the same procedures for Recreational Marijuana as Medical Marijuana.

**B. Review of Federal Aviation Administration Restricted Land in the City's Industrial Zone.**

Janet Brown showed the Committee the areas in the industrial zone that would be available for possible use.

**C. Review of City of Madras Industrial Zone Building Standards.**

The Committee reviewed and discussed the Industrial Zone Building Standards.

**4. Review of Retail Zoning and Time, Place, and Manner Regulations**

The Committee reviewed the security for retail and agreed that we would follow the State regulations.

**5. Review and Discussion of Growing and Processing Zoning and Time, Place, and Manner Regulations.**

The Committee went through the Growing and Processing Zoning that was covered at the last meeting and changes were made to Proximity, lighting, on-site consumption, security all other items stayed the same.

**6. Review and Discussion of Wholesale Zoning and Time, Place, and Manner Regulations**

Wholesale will be allowed in the industrial zone the Committee discussed what type of regulations to impose on wholesale businesses. The Committee also discussed applying the same regulations as the growing and processing to Wholesale.

Attorney Jeremy Green suggested that the hours of operation be different than the growing and processing and also the proximity of operations.

The Committee discussed the hours of operation and the proximity regulations and should they be imposed in the industrial zone area. The consensus of the Committee is not to apply the same regulations to the proximity or time of operations. They would also like to hear from Chief Stanfill and get his opinion on this subject.

The Committee agreed to use the same regulations as the growing and processing and apply them to the wholesale.

**7. Public Comments**

- Comment of concern what will happen if the medical and recreational marijuana is combined.
- Whole sale and growing and processing will only be allowed in the industrial area. How are labs different from retail?
- There was a discussion on labs where labs are allowed. Jocelyn Anderson explained how labs operate and what they test.
- Has the City decided to limit the proximity of dispensaries to residential?

8. **Adjourn**

Meeting adjourned at 4:45 p.m.

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Janet Brown  
Chair

Date

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Nicholas Snead  
Community Development Director

Date

City of Madras  
Recreational Marijuana Advisory Committee Meeting  
Meeting Minutes  
July 21, 2016

**Members Attending:**

Ali Alire, Jocelyn Anderson, Mike Boynton, Janet Brown, Tom Brown, Gus Burrill, Michelle Hallas, Joe Krenowicz, Richard Ladeby, Tanner Stanfill, Sam Stapleton, Shawn Winsor.

**Members Absent:**

Royce Embanks

**Staff Members Attending:**

Nicholas Snead, Community Development Director  
Garrett Chrostek, City Attorney  
Rob Dehnert, Assistant Planner

**Public Attending:**

Adam "Just a dude."

**1. Call to Order**

The City of Madras Recreational Marijuana Advisory Committee public meeting was called to order by Chair 3:10 p.m. on Thursday, July 21, 2016 in the Madras City Hall Council Chambers at 125 SW E. Street.

**2. Approval of June 23, 2016 and July 7, 2016 RMAC Meeting Minutes**

**A MOTION WAS MADE BY COMMISSIONER JOE KRENOWICZ TO APPROVE THE MINUTES AS AMENDED. THE MOTION WAS SECONDED BY COMMISSIONER SHAWN WINSOR. THE MOTION PASSED BY UNANIMOUS VOICE VOTE.**

**3. Review and Approval Time, Place and Manner Regulations**

**A. Discussion of Draft Regulations**

Nick Snead explained that the drafted ordinance does not amend the current medical marijuana time, place and manner ordinance. It proposes a new and separate ordinance.

Garrett Chrostek stated that, at the State level, the differences between recreational and medical marijuana rules are so great, it would have been too difficult to integrate regulations at the local level. Therefore, a separate recreational marijuana ordinance has been drafted. Nonetheless, the draft recreational ordinance started with the medical ordinance as a template. The first significant departure from the medical ordinance is the addition in Section 6.3 of new definitions for marijuana related businesses: Marijuana processors, testing laboratories, wholesalers and retailers. Sections 4 and 5 are nearly identical, except for referring to recreational instead of medical marijuana.

Following a question from Jocelyn Anderson, the Committee restated its commitment to making recreational and medical hours of operation as consistent as possible. Mike Boynton suggested a change to Section 6.6, and the Committee agreed to the hours of 7 a.m. to 10 p.m. mirroring State law. It was also suggested

that the current medical ordinance be amended to prescribe the same hours.

Garrett Chrostek and Nick Snead noted that, in Section 3 definitions, the proposed ordinance would cite the ORS, rather than the un-coded references quoted from the current medical ordinance.

Garrett Chrostek stated that, except for the inclusion of new definitions, Sections 6.1 through 6.3 are the same as the medical ordinance.

Garrett Chrostek then addressed colocation issues, specific to recreational marijuana businesses, raised in "Section 6.4 Production and Processing Restrictions." After a lengthy discussion, the scope of the question was narrowed to whether the three types of businesses allowed in the proposed Industrial Zone regulations (growing, processing and wholesaling) could be colocated in that zone. Janet Brown reiterated the Committee's position that, if it is allowed by State law, the City should allow it. Based on this discussion, Garrett Chrostek said Section 6.4(a) would say, "Colocation is permitted to the extent consistent with State law and the Zoning Ordinance." He went on to say that there would be an amendment to Sections 4 and perhaps 5 requiring collocating marijuana businesses to have separate licenses for each type of business.

Referring to Nick Snead's first question from his email of July 21, the Committee agreed and reiterated that laboratories were to be allowed in all three commercial zones.

Garrett Chrostek asked about Section 6.4(b) and processing methods using open flames. The Committee agreed that references to open flames could be removed and language requiring production methods to comply with cited State law would be appropriate.

Garrett Chrostek explained that Section 6.4(c) was language proposed for the zoning ordinance as well as the recreational marijuana ordinance, and that there is some benefit to having the language in both places. He added that the section is different from the medical marijuana ordinance.

Garrett Chrostek pointed out that Section 6.5 is different from the medical marijuana ordinance in that it contains a prohibition against use of alcohol on premise, and noted that State rules do not mention tobacco, as do the City's medical ordinance and the proposed recreational ordinance. The Committee agreed to remove tobacco from the proposed recreational ordinance, and recommend adding alcohol and removing tobacco from the current medical ordinance.

Section 6.6 was discussed briefly and the Committee reiterated its wish that both medical and recreational ordinances reflect the State allowed operating hours of 7 a.m. to 10 p.m.

The Committee discussed Section 6.7 regarding odors potentially produced by marijuana businesses. It was decided that the proposed recreational marijuana ordinance should follow the language of medical ordinance Section 6.7.

The Chair asked the industry representatives and the rest of the Committee if the proposed wording of Section 6.8 regarding disposal of marijuana waste, expired products, remnants and byproducts was acceptable. There were no objections.

Garrett Chrostek explained that proposed Section 6.9 is the same as the medical ordinance except that it prohibits retailers from being within 1000ft of each other. The Committee reiterated that they did not wish proximity restrictions apply to uses permitted in the Industrial zoning district, i.e. growing, processing, wholesaling. Mike Boynton called attention to prohibitions against colocation in the section contradicting what had been decided earlier with regard to Section 6.4(a). The Committee agreed that the colocation language in 6.9 should follow that of 6.4(a).

There was further discussion of the wording in 6.9 expanding on the term “Within 1000 feet.” Clearer language was called for in both ordinances.

The Committee returned to discussing colocation with regard to marijuana laboratories. They agreed there should be no restrictions for labs other than what will be in the zoning ordinance. They further agreed that the 1000ft restriction should apply to dispensaries (retailers) and no other type of marijuana business.

Garrett Chrostek pointed out that Section 6.12 borrowed and altered language from the medical ordinance to include recreational edible marijuana products and the required warning labels. Industry representatives reported that as of October 1<sup>st</sup>, the State will require all edibles to have the same label warnings and that such labels must be preapproved by the OLCC. The Committee directed staff to make the wording of Section 6.12 consistent with the State rules in effect October 1, 2016.

The Committee briefly discussed Section 6.13 and determined it was “Good to go.”

Chief Stanfill stated that proposed Section 6.14 may be subject to challenge. “It’s outside of State regs because we got any person who’s convicted of any felony, and I don’t think that coincides with the state law.”

JB: “Convicted in any state of any felony.”

TS: “Correct. I think the State is – anybody who’s been convicted of the felony of manufacture or delivery of controlled substance, Schedule I or II. But it’s not just any felony.”

JB: “Okay. So we want to be consistent with State law here.”

TB: “So, Chief, you’re saying that that’s what’s in the State law now?”

TS: “I believe in the State law it’s currently anybody that’s convicted of a felony that includes manufacture or delivery of controlled substance. This, the way this is written, anybody with a felony...”

JB: “Any felony.”

TS: "...any felony wouldn't be able to be a principal."

TB: "And I think the State law has a time limit on it."

TS: "They do, and it's five years. So, the question for this group is – do you want it to include any felony?"

JB: "No, we said that we wanted it to be consistent with State law. And we added Schedule I or II..."

TS: "Schedule I or II."

JB: "We added one of them because you said one of them is meth."

TS: "Yeah, Schedule II is meth."

TB: "It's one or and two in State law as well?"

TS: "Yes. Schedule I or Schedule II is in State law, the only question here is whether or not this, ah, that we want to add a felony."

JB: "Any felony."

TS: "Yeah. So like, somebody stole something..."

JB: "Personally, I want to be consistent with State law. I mean we've kind of said this over and over again. And if there's a five year thing written in State law, we want it in here."

TS: "And it should be totally clear on this. I mean, the State law should be very clear. You should be able to pull that up."

NS: "Yeah. Easy to revise this section."

Moving to Sections 6.15 and 6.16, after a brief discussion, the Committee directed staff to make the wording regarding accounting and record keeping consistent with State law.

Garrett Chrostek pointed out that Section 6.21 is an addition not in the current the medical ordinance, but is consistent with State law.

Chief Tanner Stanfill said that Section 7 needed reworking because it is not clear the City has the authority to perform such background checks. He said the Criminal Justice Information Center has certain rules. There is no legislation that specifically allows him to perform these checks. He has been able to do so under community caretaking and crime prevention, but he has asked CJIC if he may continue to do so. They may say no. He pointed out that the OLCC should be checking backgrounds. The Committee called for coordination and consistency with OLCC and State regulations and with wording regarding types of felonies as previously discussed.



Chair Janet Brown and Garrett Chrostek characterized the remainder of the document as containing standard legal provisions, and the same as the medical ordinance. However, Janet Brown argued that Section 9.1 should not extend the authority of the administrator to shut down a business for infractions of any regulations beyond local ones. She questioned whether similar actions could be taken against non-marijuana businesses. She also called for any references to taxes be removed from the medical ordinance because, according to State regulations, medical marijuana is exempt from local taxes.

The Committee discussed revocation of marijuana licenses generally, and the thresholds of doing so. Tax collection, and the need for local auditing, was discussed.

It was pointed out that the proposed ordinance had skipped section number 6.10, and that in the medical ordinance, Section 6.10 dealt with marijuana clubs. Garrett Chrostek was asked to check whether or not the State allowed clubs.

Chair Brown observed that the allotted meeting time had not been enough to work on the zoning ordinance and that another meeting is needed.

**B. Public Comments**

Chair Brown asked for public comments. Adam said he really liked what was going on, but was concerned about how regulations requiring expensive “closed-loop” processing equipment would impact small businesses. Chair Brown and Chief Stanfill expressed their beliefs that the high standards were a matter of public safety, and assured Adam that this is the direction the State is taking.

**4. Scheduling of the Next Meeting.**

The Committee scheduled their next meeting for 3 p.m. to 5 p.m., August 4, 2016.

**5. Adjournment**

The meeting adjourned at 5:10 p.m.

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Janet Brown  
Committee Chairperson

Date

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Mike Boynton  
Committee Vice-Chairperson

Date

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Nicholas Snead  
Community Development Director

Date

City of Madras  
Recreational Marijuana Advisory Committee Meeting  
Meeting Minutes  
August 4, 2016

**Members Attending:**

Ali Alire, Mike Boynton, Janet Brown, Tom Brown, Gus Burrill, Royce Embanks, Jr., Michelle Hallas, Richard Ladeby, Tanner Stanfill, Sam Stapleton, Shawn Winsor.

**Members Absent:**

Jocelyn Anderson, Joe Krenowicz

**Staff Members Attending:**

Nicholas Snead, Community Development Director  
Jeremy Green, City Attorney  
Rob Dehnert, Assistant Planner

**Public Attending:**

None

**1. Call to Order**

The City of Madras Recreational Marijuana Advisory Committee public meeting in the Madras City Hall Council Chambers at 125 SW E. Street was called to order by the Chairperson at 4:32 p.m. on Thursday, August 4, 2016.

**2. Authorization to Approve July 21, 2016 and August 4, 2016 RMAC Meeting Minutes**

**A MOTION WAS MADE BY COMMISSIONER SHAWN WINSOR TO AUTHORIZE THE COMMITTEE CHAIR AND VICE CHAIR TO APPROVE THE JULY 21, 2016 AND AUGUST 4, 2016 AFTER THE COMMITTEE IS CONCLUDED. THE MOTION WAS SECONDED BY COMMISSIONER ROYCE EMBANKS, JR. THE MOTION PASSED BY UNANIMOUS VOICE VOTE.**

**3. Review and Approval of Draft Retail Regulations**

**A. Review and Discussion of Draft Retail Regulations**

Community Development Director Nicholas Snead gave a brief overview of creation and progress of the Committee. He acknowledged a clear directive from the Committee to staff that the local regulations meet State standards and exceed them where appropriate.

Chairperson Janet Brown reminded the Committee that marijuana labs were not in the drafted regulations because the Committee had decided to treat them as any other business.

Director Snead introduced documents and materials for the meeting and began recitation of proposed standards and comparisons to State regulations. He referred to a document in the agenda package, an 11" x 17" sheet with time place manner facts in a tan background table. Coming to the section "Criminal Convictions," he suggested the Committee pause from the recitation and focus on the issue.

Chairperson Brown expressed the Committee's desire to add Schedule II related offenses to the list of disqualifying convictions. Madras Police Chief Tanner Stanfill recommended this regulation be as it is in the current medical marijuana regulations – people operating or employed by a recreational marijuana distribution cannot be a felon and cannot have a history of narcotics use.

Chief Stanfill clarified an issue raised at the previous meeting, announcing that Madras City Police will be able to share only State of Oregon criminal histories with dispensary managers. He cannot share Law Enforcement Data System national records.

Attorney Jeremy Green concurred, and suggested the City prohibit marijuana businesses from employing those with the types of convictions being discussed, putting the onus of conducting national criminal background checks on the marijuana businesses.

Chairperson Brown poled the Committee on the two positions, that Schedule II offense be included in the list of disqualifying convictions, and that the responsibility to do national background checks should lie with the dispensary owners. There was unanimous agreement with the positions.

Chief Stanfill suggested owners use public records requests to gather information that does not show up in criminal histories.

Director Snead continued recitation of regulations comparison from the tan table, and then paused to reflect on the issue from the previous meeting regarding the wording of proximity regulations.

Chairperson Brown, based on the previous meeting's discussion and her understanding of the Committee's majority wishes, encouraged staff to change the language regarding proximity.

Attorney Jeremy Green averred that the wording is very similar to State wording and that the exact wording proposed by staff would facilitate enforcement.

Chairperson Brown asked if an exhibit could be added showing what the language says.

Attorney Green said that if an issue arises that doesn't fit the exhibit, an ambiguity is created and subjects the City to a potential challenge.

Committeeman Richard Ladeby stated he likes the language, it's clear, he can picture what it says, and he is fine with the way it is.

Committee member Ali Alire stated she is totally confused by it. Committee member Michelle Hallas said that it was not clear to her either. Alire posited that it would be just one of those regulations that will require explanation.

Committee member Tom Brown focused on the word, "any," saying that it is open to interpretation. He pointed out that the State says, "closest," and that's what the Committee wanted.

Attorney Green said that the word closest would allow interpretation and flexibility. He went on to say, "When applying a standard, if you've got a limiting term like 'closest,' you have just, in my opinion, shrunk the potential interpretation of that language. The intent is not to keep it, or create an ambiguity so people don't understand what the regulation provides, and ultimately prevent them from going in a location that would otherwise be suitable. It's to make it, it's to draft it in such a way that we are not going to be or are less likely to be challenged and have a successful challenge. And the 'any,' is more suitable and easier to defend than the term 'closest.' Does that make sense?"

Committee member Tom Brown: "No. The term 'any,' to me, is un-defendable."

Attorney Green: "Oh, it's easy to defend."

Committeeman Tom Brown: "Oh, then any line, what line? 'I want to use this line.'"

Attorney Green: "The City gets to make that determination. So, in other words, if I had two parcels, I could go and identify any point on that parcel and extend it a thousand feet to the next point, to a point on the adjacent parcel or more precisely, the subject parcel, and then identify the length, and that is the thousand feet parameter that I'm applying."

Committeeman Tom Brown: "So, do you mean the two closest points?"

Attorney Green: "I mean any point. You see? That's the advantage. I'm not limited to the closest. I can apply any point on that particular parcel."

Chairperson Brown: "So that could be further than a thousand feet."

Committeeman Tom Brown: To JG's comment, "That makes no sense whatsoever."

Attorney Green: "Well. Again, I mean, see, the reality is though, we're going to be called upon to enforce it. In my opinion, I'd like it more flexible than more stringent, from an enforceability standpoint. If we include "closest," ultimately it might not even matter, Tom, I think it's all case by case, fact and circumstance specific."

Industry representative Mike Boynton: "I think if someone is going to pick a point, obviously they're going to pick the closest point. So having 'any point' on it is, I don't see any problem with it."

Attorney Green: "It's immaterial. Exactly."

A discussion followed among Chairperson Brown, Director Snead and Industry representative Mike Boynton.

Attorney Green: "I tell you what, this is what I'll do, I'll give it more thought, and I'll ponder it over the weekend, and then if I can get to closest, we'll go with closest. Is that fair?"

Another discussion followed between Nicholas Snead, Janet Brown, Royce Embanks, Gus Burrill, Tom Brown, Richard Ladeby and Shawn Winsor. Chairperson Brown asked Attorney Green to come up with something more understandable, saying it would be appreciated.

Director Snead resumed recitation of tan table characterizing proposed regulations as equal to or exceeding the State: regarding packaging - equal, accounting - exceeding, record keeping – exceeding, disposal – equal. Reaching the end of the time, manner place regulations applying to retail, he asked for any questions before proceeding to zoning.

Chairperson Brown asked for industry representatives to comment on accounting and record keeping regulations. Industry representatives Sam Stapleton and Mike Boynton said they found them acceptable.

4. **Review and Approval of Draft Time, Place and Manner Regulations and Zoning Regulations for Growing, Processing and Wholesaling**

**A. Review and Discussion of Draft Regulations**

Director Snead turned the focus on the time, place and manner ordinance and the zoning ordinance regarding growing, processing and wholesaling. He referred to the blue table and reminded the Committee that the proposal is to allow these uses in the industrial zones only. Comparing the proposed local regulations to those of the State: Method of processing – equal (use of butane and open flames a concern); type of building – exceed (specified non-translucent and non-transparent wall and roof materials, i.e., standard building materials); growing and processing – exceed, restricting to indoors only; proximity – generally equal, “Notwithstanding the clarifications of the previous discussion;” lighting – exceed, the State does not regulate lighting, City has dark-sky regulations, lighting for recreational grow operations must be indoors; air filtration and ventilation – exceed; on-site consumption – equal; criminal convictions – exceed (referring to previous discussion); security – equal; waste disposal – equal.

A brief discussion between Chairperson Brown, Attorney Green and Director Snead ensued, clarifying that, with regard to record keeping and accounting, proposed City regulations exceed the State in empowering the City’s administrator to require auditable accounting systems and other information deemed necessary.

Director Snead asked for additional discussion. Chairperson Brown asked several questions about the proposed regulations compared to the current medical marijuana regulations. Director Snead stated that in those areas, proposed regulations were the same as the medical regulation.

Committee member Royce Embanks: “I want to weigh in on proximity again. It’s just logical that when you’re trying to figure out the distance between two objects and you pick the one that appears closest to you and you swing your thousand yard arc out, and where it intersects that, then you move it back because you’re too close to the building or whatever you’re measuring. So, it has to be able to, you have to have a thousand yards between your closest point and the object’s closest point. That’s simple. I mean, you look out there and you, when we were surveying you look out and you go, ‘That looks closer to me.’ And you’d go ahead and measure the distance and it was, you know, short a thousand, you’d have to move. I mean, you’re just taking a reference point, the closest reference you believe was in your building or whatever you’re measuring, and the closest point to the one out there. And you measure the distance between the two. You can’t measure from the center of the building, because that’s not the language. It’s at the closest. The thousand yards from that building, and unless it

specifies you're measuring from the front door or the center of the building or the far end of the building, it's always going to be the closest part."

Chairperson Brown: "I agree."

Committee member Richard Ladeby: "Just for clarification, we're talking feet, not yards."

Chairperson Brown: "Yeah, I like the State language."

Director Snead asked if the Committee desired to look at the ordinances in greater detail. Chairperson Brown agreed saying that the Committee had just gotten the documents.

The Committee took up the draft ordinance, "...establishing time, place, and manner regulations concerning recreational marijuana..." The Chair reviewed several subsections and observed that many of the regulations will be the same as they are for any business, then went on to summarize marijuana specific regulations. Chair then asked Chief Stanfill to comment on subsection "6.13 Criminal Convictions," and observed that it had been changed regarding Schedule II convictions and criminal background checks. Chief Stanfill reiterated that felony, Schedule I and II convictions all should be included in the ordinance.

The Committee Chair continued her review of subsequent subsections. She asked about the OLCC worker permit program. Mike Boynton said the OLCC was taking applications but he believed it wasn't required until October 1st. Chair asked Chief Stanfill about the subsection on background checks. Chief Stanfill said changes were needed. Attorney Green pointed out that the language here and in the medical marijuana ordinance has always been discretionary, meaning it has never been an obligation for the City to conduct the checks. He assured the Chair that the language would be adjusted and expanded.

The Committee Chair continued her review of subsequent subsections and emphasized the need for the emergency declaration so that the ordinance can be put in place should it be necessary after the November election.

Director Snead introduced the packet document "Exhibit \_\_\_ Madras Marijuana Zoning Ordinance Amendments." He explained that the amendments would expand the current medical marijuana zoning regulations to include all marijuana businesses. He gave an overview of the amendments, focusing on Amendment No. 4. He pointed out that existing medical marijuana dispensaries would not require site plan review when expanding into recreational marijuana sales. Each subsection was reviewed and questions were answered. The proposed amendments include two of a general nature and not specific to the marijuana industry.

The Chairperson asked for questions. None were offered. Chairperson Brown asked for a motion.

#### **B. Committee Formal Action**

**A MOTION WAS MADE BY COMMISSIONER SHAWN WINSOR TO RECOMMEND TO THE MADRAS PLANNING COMMISSION AND THE MADRAS**

**CITY COUNCIL THAT THEY ADOPT THE PROPOSED ORDINANCE OF THE CITY OF MADRAS ESTABLISHING TIME PLACE AND MANNER REGULATIONS CONCERNING RECREATIONAL MARIJUANA, AND ADOPT THE EXHIBIT FOR THE MADRAS MARIJUANA ZONING ORDINANCE, BOTH AS AMENDED IN TODAY'S MEETING. THE MOTION WAS SECONDED BY COMMISSIONER ALI ALIRE. THE MOTION PASSED BY UNANIMOUS VOICE VOTE.**

Chairperson Brown invited members to attend Planning Commission and City Council and thank them for their work.

**5. Adjournment**

The meeting adjourned at 5:43 p.m.

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Janet Brown  
Committee Chairperson

Date

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Mike Boynton  
Committee Vice-Chairperson

Date

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Nicholas Snead  
Community Development Director

Date

Retail	Regulation Discussed	State Standard	Comparison to State Standard	Ordinance	Section	Revision to MMJ Ordinance
Must meet all applicable zoning, building, and fire codes.			Exceeds	Zoning	3.14(B)(10)	
Hours of Operation	Daily operating hours for the retailer (and wholesalers) must be no earlier than 7:00 a.m. or later than 10:00 p.m., Monday through Sunday.	OAR 845-025-2820(1)(e). A retailer may only sell to consumers between the hours of 7:00 a.m. and 10 p.m. local time.	Equal	TPM	6.6	Yes
No On-Site Consumption	Marijuana, alcohol, and other intoxicants must not be consumed, ingested, inhaled, and/or topically applied anywhere on the premises of the business, except that an employee of a business with a valid medical marijuana registry identification card may consume marijuana during his or her work shift as necessary for his or her medical condition as provided in OAR 845-025-1230(6)(b).	OAR 845-025-1230(6)(b). A licensee may not permit on-site consumption of a marijuana item, alcohol, or other intoxicant by any individual, except that an employee who has a current registry identification card issued under ORS 475.309 may consume marijuana during his or her work shift on the licensed premises as necessary for his or her medical condition, if the employee is alone, in a closed room and not visible to others outside the room. An employee who consumes a marijuana item as permitted under this subsection may not be intoxicated while on duty.	Equal	TPM	6.5	Yes
Air Filtration/Ventilation	Each business must utilize an air filtration and ventilation system (and employ such other measures and means) that confines all objectionable odors associated with the business to the business's premises. Odor control measures must be installed and operational prior to commencing business operations. For purposes of this Section 6.7, the standard for judging "objectionable odors" will be that of a reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and where the odor is detected.	No state standard.	Exceeds	TPM	6.7	No
Criminal Convictions	A person who has been convicted of violating a general or local law of this state or another state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the person to lawfully carry out activities of the business, may not be a company principle, employee, and/or volunteer of the business and/or have a financial interest in a business operated in City's incorporated limits. For the purposes of this Section 6.13, the following convictions will not disqualify a person from being a company principle, employee, and/or volunteer of the business and/or have a financial interest in a business operated in City's incorporated limits: (a) the manufacture of marijuana, if (i) the date of the conviction is two or more years before the date of the initial or renewal permit application, and (ii) the person has not been convicted more than once for the manufacture and/or delivery of marijuana; (b) the delivery of marijuana to a person 21 years of age or older, if (i) the date of the conviction is two or more years before the date of the initial or renewal permit application, and (ii) the person has not been convicted more than once for the manufacture and/or delivery of marijuana; or (c) the possession of marijuana.	ORS 475B.045(2)(d), (3). OLCC may refuse to license an applicant if the commission has reasonable ground to believe that the applicant, "Has been convicted of violating a general or local law of this state or another state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities under the license." Also, under ORS 475B.045(3), "Notwithstanding subsection (2)(d) of this section, in determining whether the commission may refuse to license an applicant, the commission may not consider the prior conviction of the applicant or any owner, director, officer, manager, employee, agent or other representative of the applicant for: (a) The manufacture of marijuana, if: (A) The date of the conviction is two or more years before the date of the application; and (B) The person has not been convicted more than once for the manufacture or delivery of marijuana; (b) The delivery of marijuana to a person 21 years of age or older, if: (A) The date of the conviction is two or more years before the date of the application; and (B) The person has not been convicted more than once for the manufacture or delivery of marijuana; or (c) The possession of marijuana.	Equal	TPM	6.13	No
Security (Burglary & CCTV)	Each business must obtain and maintain a fully operable security system that complies with applicable Oregon laws and regulations. The security system will be maintained in good working condition and will be in use at all times	Applicable state standards are located at OAR 845-025-1400 to OAR 845-025-1470.	Equal	TPM and Zoning	6.19, 3.14(B)(8)	Yes
Proximity	Each retailer must not be located (a) at the same address as any other business except as permitted under Section 6.4(a), (b) within 1,000 feet of the real property comprising a public or private elementary, secondary, and/or career school attended primarily by minors, and/or (c) in any area and/or zone not expressly permitted under City's zoning ordinance. "Within 1000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from any point on the boundary line of the real property on which the retailer is cited.	ORS 475B.110; OAR 845-025-2840. The licensed premises of a retailer, "(c) May not be located in an area that is zoned exclusively for residential use; (d) May not be located within 1,000 feet of: (A) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or (B) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030." ORS 475B.110(2). OAR 45-025-1470(5) states, "For purposes of determining the distance between a retailer and a school referenced in subsection (1)(b) of this rule, "within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising a school to the closest point of the licensed premises of a retailer. If any portion of the licensed premises is within 1,000 feet of a school as described subsection (1)(b) of this rule an applicant will not be licensed."	Equal	TPM and Zoning	6.9, 3.14(D)(1)	
Packaging	All edible marijuana products sold and/or otherwise transferred on a retailer's premises must (a) contain warnings that state "For use only by adults 21 and older. Keep out of reach of children.", "It is illegal to drive a motor vehicle while under the influence of marijuana.", and "BE CAUTIOUS" in bold, capital letters, followed by "Cannabinoid edibles can take up to 2 hours or more to take effect."; (b) be packaged in a tamper-proof hard or soft-bodied receptacle that is designed and constructed to be significantly difficult for children under five years of age to open and that is sealed, opaque such that the product cannot be seen from outside the packaging, closable for any product intended for more than a single use or containing multiple servings, and not brightly colored, depicting cartoons, or in the shape of an animal or any other commercially recognizable toy or candy; and (c) satisfy all other applicable state requirements for packaging and labeling. (a) Contain warning labels on the outside of the packaging that state "For use only by adults 21 and older—Keep out of reach of children," "It is illegal to drive a motor vehicle while under the influence of marijuana," and "BE CAUTIOUS" in bold, capital letters, followed by "Cannabinoid edibles can take up to 2 hours or more to take effect"; (b) Be packaged in a tamper-proof hard or soft-bodied receptacle that is designed and constructed to be significantly difficult for children under five years of age to open and that is sealed, opaque such that the product cannot be seen from outside the packaging, closable for any product intended for more than a single use or containing multiple servings, and not brightly colored, depicting cartoons, or in the shape of an animal or any other commercially recognizable toy or candy; and (c) satisfy all other state requirements for packaging and labeling.	OAR 845-025-7020. Marijuana items for ultimate sale must be labeled in accordance with OAR 333-007-0010 to 333-007-0010. OAR 333-007-0070(18) states, "For cannabinoid edibles for sale to a consumer warnings that state: (a) 'For use only by adults 21 and older. Keep out of reach of children.' (b) 'It is illegal to drive a motor vehicle while under the influence of marijuana.' (c) 'BE CAUTIOUS' in bold, capital letters, followed by 'Cannabinoid edibles can take up to 2 hours or more to take effect.'"	Equal	TPM	6.11	Yes
Accounting	Each business must have an accounting system specifically designed for enterprises reliant on transactions conducted primarily in cash that revenue and expenses are recorded as they are paid, regardless of when goods are received or delivered, and sufficient to maintain detailed, auditable financial records. If the administrator finds that the business's books and records are deficient in any way and/or if the accounting system is not auditable, the business must modify the business's accounting system to meet the requirements of the administrator.	OAR 845-025-1200. In addition to any other recordkeeping requirements in these rules, a marijuana licensee must have and maintain records that clearly reflect all financial transactions and the financial condition of the business. The following records must be kept and maintained for a three-year period and must be made available for inspection if requested by an employee of the Commission: (1) Purchase invoices and supporting documents for items and services purchased for use in the production, processing, research, testing and sale of marijuana items that include from whom the items were purchased and the date of purchase; (2) Bank statements for any accounts relating to the licensed business; (3) Accounting and tax records related to the licensed business; (4) Documentation of all financial transactions related to the licensed business, including contracts and agreements for services performed or received that relate to the licensed business; and (5) All employee records, including training.	Exceeds	TPM	6.14	No
Record Keeping	Each business must keep and preserve records of all sales made by the business and such other books or accounts as may be required by the administrator. Each business must keep and preserve for a period of at least three years records containing at least the following information, in addition to that information specified under Oregon law: (a) true names and any aliases of the company principals; (b) true names and any aliases of employees/volunteers of the business; (c) true names and addresses and any aliases of persons that have or within the preceding year have had a financial interest in the business; (d) documentation concerning costs related to transferring, handling, securing, insuring, testing, packaging, and processing marijuana, and the cost of supplies, utilities, and rent or mortgage; (e) the amount of money paid by a business to a grower for each transfer of marijuana; (f) state and federal income tax returns; and (g) any other additional information the administrator deems necessary or appropriate.	See above.	Exceeds	TPM	6.15	No
Disposal	Each business must provide for secure disposal of marijuana waste, expired marijuana products, marijuana remnants and marijuana byproducts. Receptacles for such disposal must not be placed within the business's exterior refuse containers or otherwise outside of the control of the business.	OAR 845-025-7750. (1) A licensee must: (a) Store, manage and dispose of solid and liquid wastes generated during marijuana production and processing in accordance with applicable state and local laws and regulations which may include but are not limited to: (A) Solid waste requirements in ORS 459 and OAR 340 Divisions 93 to 96; (B) Hazardous waste requirements in ORS 466 and OAR 340, Divisions 100 to 106; and (C) Wastewater requirements in ORS 468B and OAR 340, Divisions 41 to 42, 44 to 45, 53, 55 and 73. (b) Store marijuana waste in a secured waste receptacle in the possession of and under the control of the licensee. (2) A licensee may give or sell marijuana waste to a producer, processor or wholesale licensee or research certificate holder. Any such transaction must be entered into CTS pursuant to OAR 845-025-7500. (3) In addition to information required to be entered into CTS pursuant to OAR 845-025-7500, a licensee must maintain accurate and comprehensive records regarding waste material that accounts for, reconciles, and evidences all waste activity related to the disposal of marijuana.	Equal	TPM	6.8	Yes



Growing, Processing, & Wholesaling	Regulation		Ordinance	Section	Revision to MMJ Ordinance	
Method of Processing (open flame, or otherwise) & Certified System	(d) Marijuana processors with an endorsement to produce cannabinoid extracts or concentrates must comply with state requirements for such production including, without limitation, OAR 845-025-3260.  (e) Marijuana processors with endorsements to produce cannabinoid edibles must comply with all state requirements for such production including, without limitation, OAR 845-025-3250.	OAR 845-025-3260 and OAR 845-025-3250.	Equal	TPM	6.4(d) and (e)	
Type of Building	Marijuana production and processing shall be located entirely within one or more fully enclosed buildings with conventional metal, wood, concrete, brick, or similar construction consistent with Section 3.6.1(F)–Design Review of the Zoning Ordinance	OAR 845-025-1230(5). The licensed premises of a processor, wholesaler, laboratory and retailer must be enclosed on all sides by permanent walls and doors.	Exceeds	Zoning/TPM	3.14(E)(1), (F)(1), 6.17	
Outdoor Growing and Processing	Marijuana production and processing are prohibited in any outdoor area.	OAR 845-025-3260(2); OAR 845-025-2000(3). A processor with an endorsement to make cannabinoid extracts must process in a "Fully enclosed room clearly designated on the current diagram of the licensed premises." "A producer may engage indoor or outdoor production of marijuana, or a combination of the two." OAR 845-025-2020. Outdoor production means producing marijuana "(a) In an expanse of open or cleared ground; or (b) In a greenhouse, hoop house or similar non-rigid structure that does not utilize any artificial lighting on mature marijuana plants, including but not limited to electrical lighting sources."	Exceeds	Zoning/TPM	3.14(E)(1), (F)(1), 6.17	
Proximity	None.	OAR 845-025-1115. OLCC must deny an application if the proposed licensed premises is located: (a) on federal property; (b) at the same physical location or address as a: (i) medical marijuana grow site registered under ORS 475.304, unless the grow site is also licensed under section 116, chapter 614, Oregon laws 2015; (ii) medical marijuana processing site registered under section 85, chapter 614, Oregon Laws 2015; or (iii) medical marijuana dispensary registered under ORS 475.314; (c) at the same physical location or address as a liquor licensee or as a retail liquor agent.	Equal	TPM		
Lighting	All outdoor lighting is to comply with the lighting standards in Section 3.6 of the Zoning Ordinance.	No state standard.	Exceeds	Zoning	3.14(B)(5)	
Lighting	Inside building lighting used for growing marijuana shall not be visible outside the building from dusk to dawn daily.	No state standard.	Exceeds	Zoning	3.14(E)(1), (F)(1)	
Air Filtration/Ventilation	Each business must utilize an air filtration and ventilation system (and employ such other measures and means) that confines all objectionable odors associated with the business to the business's premises. Odor control measures must be installed and operational prior to commencing business operations. For purposes of this Section 6.7, the standard for judging "objectionable odors" will be that of a reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and where the odor is detected.	OAR 845-025-3260(1)(b). A processor with a cannabinoid concentrate or extract endorsement must work in an environment with proper ventilation, controlling all sources of ignition where a flammable atmosphere is or may be present.	Exceeds	Zoning/TPM	3.14(B)(9)/6.7	
No On-Site Consumption	Marijuana, alcohol, and other intoxicants must not be consumed, ingested, inhaled, and/or topically applied anywhere on the premises of the business, except that an employee of a business with a valid medical marijuana registry identification card may consume marijuana during his or her work shift as necessary for his or her medical condition as provided in OAR 845-025-1230(6)(b).	OAR 845-025-1230(6)(b). On-site consumption of a marijuana item, alcohol, or other intoxicant by any individual, except that an employee who has a current registry identification card issued under ORS 475.309 may consume marijuana during his or her work shift on the licensed premises as necessary for his or her medical condition, if the employee is alone, in a closed room and not visible to others outside the room. An employee who consumes a marijuana item as permitted under this subsection may not be intoxicated while on duty.	Equal	TPM	6.5	
Criminal Convictions	A person who has been convicted of violating a general or local law of this state or another state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the person to lawfully carry out activities of the business, may not be a company principle, employee, and/or volunteer of the business and/or have a financial interest in a business operated in City's incorporated limits. For the purposes of this Section 6.13, the following convictions will not disqualify a person from being a company principle, employee, and/or volunteer of the business and/or have a financial interest in a business operated in City's incorporated limits: (a) the manufacture of marijuana, if (i) the date of the conviction is two or more years before the date of the initial or renewal permit application, (ii) and the person has not been convicted more than once for the manufacture and/or delivery of marijuana; (b) the delivery of marijuana to a person 21 years of age or older, if (i) the date of the conviction is two or more years before the date of the initial or renewal permit application, and (ii) the person has not been convicted more than once for the manufacture and/or delivery of marijuana; or (c) the possession of marijuana.	ORS 475B.045(2)(d), (3). OLCC may refuse to license an applicant if the commission has reasonable ground to believe that the applicant, "Has been convicted of violating a general or local law of this state or another state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities under the license." Also, under ORS 475B.045(3), "Notwithstanding subsection (2)(d) of this section, in determining whether the commission may refuse to license an applicant, the commission may not consider the prior conviction of the applicant or any owner, director, officer, manager, employee, agent or other representative of the applicant for: (a) The manufacture of marijuana, if: (A) The date of the conviction is two or more years before the date of the application; and (B) The person has not been convicted more than once for the manufacture or delivery of marijuana; (b) The delivery of marijuana to a person 21 years of age or older, if: (A) The date of the conviction is two or more years before the date of the application; and (B) The person has not been convicted more than once for the manufacture or delivery of marijuana; or (c) The possession of marijuana.	Equal	TPM	6.13	
Security (Burglary & CCTV)	Each business must obtain and maintain a fully operable security system that complies with applicable Oregon laws and regulations. The security system will be maintained in good working condition and will be in use at all times	Applicable state standards are located at OAR 845-025-1400 to OAR 845-025-1470.	Equal	Zoning/TPM	3.14(B)(8)/6.19	
Waste Disposal	Each business must provide for secure disposal of marijuana waste, expired marijuana products, marijuana remnants and marijuana byproducts. Receptacles for such disposal must not be placed within the business's exterior refuse containers or otherwise outside of the control of the business.	OAR 845-025-7750. (1) A licensee must: (a) Store, manage and dispose of solid and liquid wastes generated during marijuana production and processing in accordance with applicable state and local laws and regulations which may include but are not limited to: (A) Solid waste requirements in ORS 459 and OAR 340 Divisions 93 to 96; (B) Hazardous waste requirements in ORS 466 and OAR 340, Divisions 100 to 106; and (C) Wastewater requirements in ORS 468B and OAR 340, Divisions 41 to 42, 44 to 45, 53, 55 and 73. (b) Store marijuana waste in a secured waste receptacle in the possession of and under the control of the licensee. (2) A licensee may give or sell marijuana waste to a producer, processor or wholesale licensee or research certificate holder. Any such transaction must be entered into CTS pursuant to OAR 845-025-7500. (3) In addition to information required to be entered into CTS pursuant to OAR 845-025-7500, a licensee must maintain accurate and comprehensive records regarding waste material that accounts for, reconciles, and evidences all waste activity related to the disposal of marijuana.	Equal	TPM	6.8	
Record Keeping	Each business must keep and preserve records of all sales made by the business and such other books or accounts as may be required by the administrator. Each business must keep and preserve for a period of at least three years records containing at least the following information, in addition to that information specified under Oregon law: (a) true names and any aliases of the company principals; (b) true names and any aliases of employees/volunteers of the business; (c) true names and addresses and any aliases of persons that have or within the preceding year have had a financial interest in the business; (d) documentation concerning costs related to transferring, handling, securing, insuring, testing, packaging, and processing marijuana, and the cost of supplies, utilities, and rent or mortgage; (e) the amount of money paid by a business to a grower for each transfer of marijuana; (f) state and federal income tax returns; and (g) any other additional information the administrator deems necessary or appropriate.	OAR 845-025-1200. In addition to any other recordkeeping requirements in these rules, a marijuana licensee must have and maintain records that clearly reflect all financial transactions and the financial condition of the business. The following records must be kept and maintained for a three-year period and must be made available for inspection if requested by an employee of the Commission: (1) Purchase invoices and supporting documents for items and services purchased for use in the production, processing, research, testing and sale of marijuana items that include from whom the items were purchased and the date of purchase; (2) Bank statements for any accounts relating to the licensed business; (3) Accounting and tax records related to the licensed business; (4) Documentation of all financial transactions related to the licensed business, including contracts and agreements for services performed or received that relate to the licensed business; and (5) All employee records, including training.	Equal	TPM	6.15	
Accounting	Each business must have an accounting system specifically designed for enterprises reliant on transactions conducted primarily in cash such that revenue and expenses are recorded as they are paid, regardless of when goods are received or delivered, and sufficient to maintain detailed, auditable financial records. If the administrator finds that the business's books and records are deficient in any way and/or if the accounting system is not auditable, the business must modify the business's accounting system to meet the requirements of the administrator.	See above.	Exceeds	TPM	6.14	

Madras Marijuana Zoning Ordinance Amendments

Text added is double underlined. Text Deleted is ~~struck through~~.

AMENDMENT NO. 1

SECTION 1.3 DEFINITIONS

MARIJUANA. All parts of the plant Cannabis family 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.

MARIJUANA BUSINESS. Any establishment operated by any person or entity who is or will be appropriately licensed by the Oregon Health Authority or the Oregon Liquor Control Commission which sells, produces, cultivates, grows, wholesales, processes, researches, develops or tests any form of marijuana or marijuana derivatives including, but not limited to, Marijuana Production Facilities, Marijuana Processing Facilities, Marijuana Testing Laboratories, Medical Marijuana Dispensaries, and Marijuana Retailers.

MARIJUANA PROCESSING FACILITY. Any establishment in, or premises on, which a person or entity required to be licensed under ORS 475B.090 or **ORS 475B.435** operates.

MARIJUANA PRODUCTION FACILITY. Any establishment in, or premises on, which a person or entity required to be licensed under ORS 475B.070 or ORS **475B.420** operates.

MARIJUANA PRODUCTS. Includes marijuana and any item, good, or product made from or including marijuana.

MARIJUANA TESTING LABORATORY. A facility that conducts testing of marijuana products as required by ORS 475B.555 and required to be licensed under ORS 475B.560.

MARIJUANA RETAILER. Any establishment in, or premises, on which a person or entity required to be licensed under ORS 475B.110 operates.

MARIJUANA WHOLESALER. Any establishment in, or premises on, which a person or entity required to be licensed under ORS 475B.100 operates.

TIME, PLACE, AND MANNER RESTRICTIONS. City Ordinance Nos. 870 and \_\_\_\_ and any successor ordinance(s) all as may be amended from time to time.

AMENDMENT NO. 2

TABLE 3.5-1: USES IN THE C-1, C-2, and C-3 ZONES

Uses	Corridor Commercial (C-1)	Downtown Commercial (C-2)	Community Commercial (C-3)

Commercial			
Marijuana Retailer	(P)(7)	(P)(7)	(P)(7)
Marijuana Testing Laboratories	(P)(7)	(P)(7)	(P)(7)

vii. (7) Marijuana Businesses must meet the applicable requirements of Section 3.14.

*AMENDMENT NO. 3*

SECTION 3.6 INDUSTRIAL

B. PERMITTED USES. (Subject to Site Plan Review)

...

40. Marijuana Production Facility, Marijuana Processing Facility, Marijuana Wholesaler

i. Marijuana Businesses must meet the applicable requirements of Section 3.14.

*AMENDMENT NO. 4*

SECTION 3.14 MARIJUANA BUSINESSES

A. PROCEDURES.

1. Marijuana Businesses, including new Marijuana Businesses located at the same location as a previously approved Marijuana Business, shall obtain Site Plan Approval under Section 4.8. Notwithstanding the foregoing, no Site Plan Review approval is required:

a. An existing Medical Marijuana Dispensary converts to a Marijuana Retailer.

2. All applications for Marijuana Businesses shall be made in the name of the person and/or entity identified in any state licensing and the City business license.

3. A Marijuana Business cannot be approved as a home occupation.

B. MARIJUANA BUSINESS GENERAL STANDARDS AND APPROVAL CRITERIA.

In addition to any applicable approval criteria for Site Plan Approval, and any other standards for the zone in which the Marijuana Business is located, the applicant shall satisfy the following approval criteria:

1. Marijuana Businesses can only be approved in the zones in which the specific type of Marijuana Business is expressly identified as a permitted use. Permissibility of one type of Marijuana Business in a particular zone cannot be the basis to allow a non-permitted type of Marijuana Business as a similar use under Section 9.28.

2. An applicant for a Marijuana Business must obtain a City business license and, as applicable, a recreational marijuana or dispensary permit pursuant to the Time, Place, and Manner Restrictions prior to initiating the use, but no later than six months after land use approval.
3. Applicant's proposal must demonstrate compliance, or the ability to comply (with appropriate conditions of approval), with applicable provisions of the Time, Place, and Manner Restrictions.
4. If there are any conflicting standards between state law, the Time, Place, and Manner Restrictions, and this Ordinance, the most stringent standard shall apply.
5. All exterior lighting must comply with the lighting standards in the zone in which the use is proposed.
6. Co-location of Marijuana Businesses on the same property is permitted except as prohibited by state law, the Time, Place, and Manner Restrictions, and this Zoning Ordinance.
7. All Marijuana Businesses will conduct operations inside secure, enclosed structures. Marijuana Products may not be displayed in a manner that is externally visible to the public. No drive-through, curb-side, mobile, or other external sale methods are permitted.
8. The applicant shall demonstrate how the proposed Marijuana Business complies with all state security system requirements applicable to the proposed Marijuana Business.
9. The applicant must demonstrate how measures to control odors satisfies applicable requirements set forth in the Time, Place, and Manner Restrictions.
10. The structure within which the Marijuana Business will operate must meet applicable fire and building code requirements.
11. Applications for a specific type of Marijuana Business shall satisfy the additional standards applicable to that type of Marijuana Business set out in subsection (C) through (H) below.

C. ADDITIONAL CRITERIA FOR MEDICINAL MARIJUANA DISPENSARIES

1. A Medical Marijuana Dispensary must not be located (a) at the same address as a marijuana grow site registered under ORS 475B.420, (b) within 1,000 feet of the real property comprising a public or private elementary, secondary, and/or career school attended primarily by minors, and/or (c) within 1,000 feet of another dispensary, "Within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point on the boundary line of the real property on which the Medical Marijuana Dispensary is proposed to be sited.
2. Medical Marijuana Dispensaries are not permitted in the Industrial (I) Zone even when incidental or subordinate to a permitted use in the (I) Zone.
3. Medical Marijuana Dispensaries are considered "retail" for purposes of parking requirements.

D. ADDITIONAL CRITERIA FOR MARIJUANA RETAILERS

1. Marijuana Retailers must not be located (a) at the same address as another Marijuana Business except as permitted under Oregon law, the Time, Place, and Manner Restrictions, and this Zoning Ordinance, or (b) within 1,000 feet of the real property comprising a public or private elementary, secondary, and/or career school attended primarily by minors. "Within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point on the boundary line of the real property on which the Marijuana Retailer is proposed to be sited.
2. Marijuana Retailers are not permitted in the Industrial (I) Zone even when incidental or subordinate to a permitted use in the (I) Zone.
3. Marijuana Retailers are considered "retail" for purposes of parking requirements.

#### E. ADDITIONAL CRITERIA FOR MARIJUANA PRODUCTION FACILITIES

1. Marijuana Production Facilities shall only be approved if the growing activities occur exclusively within permanent, fully enclosed, rigid, non-translucent structures that require a building permit, reviewed under Section 3.6(E). All lighting used for growing purposes must be contained completely inside the structure. No hoop-houses, sheds, shipping containers, trailers, or similar structures are permitted.
2. Under no circumstances, and notwithstanding anything in this Zoning Ordinance to the contrary, may retail sales of Marijuana Products occur at the same location as a Marijuana Production Facility in the Industrial (I) Zone.

#### F. ADDITIONAL CRITERIA FOR MARIJUANA PROCESSING FACILITIES

1. Marijuana Processing Operations shall only occur in permanent, fully enclosed, rigid, non-translucent structures requiring a building permit and reviewed under Section 3.6(E).
2. Under no circumstances, and notwithstanding anything in this Zoning Ordinance to the contrary, may retail sales of Marijuana Products occur at the same location as a Marijuana Processing Facility in the Industrial (I) Zone.

#### G. ADDITIONAL CRITERIA FOR MARIJUANA WHOLESALING BUSINESSES

1. Under no circumstances, and notwithstanding anything in this Zoning Ordinance to the contrary, may retail sales of Marijuana Products be conducted by a Marijuana Wholesaling Business in the Industrial (I) Zone.

#### H. ADDITIONAL CRITERIA FOR MARIJUANA TESTING LABORATORIES

1. Under no circumstances, and notwithstanding anything in this Zoning Ordinance to the contrary, may retail sales of Marijuana Products be conducted by a Marijuana Testing Laboratory in the Industrial (I) Zone.

#### I. CONDITIONS OF APPROVAL

In addition to any conditions of approval imposed as part of Site Plan or zoning application approval, the following shall be mandatory conditions of approval for all Marijuana Businesses:

1. The applicant for a Marijuana Business shall obtain and present documentation of all applicable state approvals, registrations, licensing, and permitting to the City within 6 months of Site Plan or zoning application approval.
2. Marijuana Businesses shall keep all required state registrations, licensing, and permitting current.
3. Marijuana Businesses shall keep all required City business licenses, permits, or other required approvals current.
4. At all times, Marijuana Businesses shall remain compliant with applicable provisions of the Time, Place, and Manner Restrictions and applicable state laws governing Marijuana Businesses, all as they may be amended from time to time.
5. At all times, the operator of a Marijuana Business shall be the same person or entity holding the corresponding City business license, recreational marijuana or dispensary permit, and applicable state registrations, licensing, and/or permitting. The operator shall provide the City notice and appropriate documentation from the state of any changes in ownership or the suspension, loss, or forfeiture of any state approval, registration, licensing, or permitting.
6. Notwithstanding anything to the contrary in this Zoning Ordinance, any approval for a Marijuana Business shall be void if any condition of approval is violated and not cured within 30 days of City’s delivery of a notice identifying the violation. The Community Development Director may prescribe a longer cure period provided such period does not exceed 90 days.
7. Notwithstanding anything to the contrary in this Zoning Ordinance, any approval for a Marijuana Business shall be deemed abandoned, and thus void, if the Marijuana Business ceases to operate for any period of 180 or more consecutive days.

AMENDMENT NO. 5

TABLE 4.5-1 REQUIRED VEHICLE PARKING

USE	PARKING SPACES REQUIRED (Spaces per 1,000 sq. ft. unless otherwise noted)
<b>COMMERCIAL AND INDUSTRIAL</b>	
<del>Shopping Goods (Retail)</del>	<del>2.86 spaces</del>
<del>Convenience Goods (Retail) Retail</del>	2.86 spaces
Manufacturing/Production/Processing/Laboratories	2.0 spaces

AMENDMENT NO. 6

SECTION 4.8 SITE PLAN APPROVAL. – To determine compliance with this Ordinance for development in zoning districts.

...

B. PROCEDURES.

...

7. Site Plan Criteria. Approval shall be based on the following criteria:

...

d. Pedestrian and vehicular circulation and parking. The location and number of points of access to the site, sidewalks, the interior circulation patterns, designs of parking areas, and the separation between pedestrians and moving and parked vehicles shall be designed to promote safety and avoid congestion on adjacent streets. The proposal shall demonstrate compliance with Sections 4.4 to 4.7 as applicable.

...

h. Landscaping requirements. The proposal shall demonstrate compliance with pursuant to Section 3.5.1(N), 3.5.1(O)(6), or Section 3.6(O) as applicable.

DRAFT

## ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY OF MADRAS ESTABLISHING TIME, PLACE, AND MANNER REGULATIONS CONCERNING RECREATIONAL MARIJUANA PRODUCERS, PROCESSORS, WHOLESALERS, LABORATORIES, AND RETAILERS; AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Madras (“City”) has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant or allow City; and

WHEREAS, the Madras City Council (the “Council”) finds that the characteristics, operations, and potential impacts of recreational marijuana producers, processors, wholesalers, testing laboratories, and retailers necessitate (a) the establishment of particular reasonable time, place, and manner regulations for such operations, and (b) a separate permitting process for such operations; and

WHEREAS, City desires to reasonably regulate recreational marijuana operations in an effort to protect the public health, safety, and welfare.

NOW, THEREFORE, the City of Madras ordains as follows:

1. Findings. The above-stated findings are hereby adopted.
2. Purpose. The purpose of this Ordinance No. \_\_\_\_ (this “Ordinance”) is to minimize any adverse public safety and public health impacts that may result from allowing recreational marijuana producers, processors, wholesalers, testing laboratories, and retailers to operate in City’s incorporated limits by (a) adopting particular reasonable time, place, and manner regulations, and (b) a separate permitting process for such operations.
3. Definitions. For purposes of this Ordinance, the following terms and phrases have the meanings assigned to them below:

“Administrator” means City’s city administrator (or his or her designee) and/or any other City officer, employee, or agent appointed by the Council from time to time.

“Business(es)” means the recreational marijuana business operated by the marijuana processor, producer, testing laboratory, wholesaler, retailer, and/or any combination thereof.

“Cannabinoid” means any of the chemical compounds that are the active constituents of marijuana.

“Company principle(s)” means a person who is a director, officer, shareholder, manager, member, or partner of an entity or has a controlling interest in the entity through his or her ownership or control of 10% or more of the ownership in the entity or 10% or more of the total investment interest in the entity.

“Controlled substance(s)” means a substance designated as Schedule I or Schedule II controlled substances by the Code of Federal Regulations Title 21, Chapter II, Part 1308.



“Convicted” means an adjudication of guilt upon a verdict or finding entered in a criminal proceeding in a court of competent jurisdiction.

“Financial interest” exists when a person, the person’s immediate family, and/or a legal entity of which the person is a company principle (a) receives or is entitled to receive directly or indirectly any of the benefits of a business, (b) rents or leases real property to the business for use by the business, and/or (c) lends or gives money, real property, or personal property to the business for use in the business. For purposes of this definition, monies owed to suppliers or contractors for the reasonable cost of goods and services received does not constitute a financial interest in a business.

“Marijuana” means all parts of the plant Cannabis family 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.

“Marijuana processors” means a processor required to be licensed under ORS 475B.090.

“Marijuana producers” means a producer required to be licensed under ORS 475B.070.

“Marijuana testing laboratory” means a facility that conducts testing of marijuana products as required by ORS 475B.555 and is required to be licensed under ORS 475B.560.

“Marijuana wholesalers” means a wholesaler required to be licensed under ORS 475B.100.

“Marijuana retailers” means a retailer required to be licensed under ORS 475B.110.

“Minor(s)” means any person under 21 years of age.

“Person(s)” means an individual.

“Zoning ordinance” means City Ordinance No. 864, as amended.

4. Annual Permit Required. The company principle of each business operating in City’s incorporated limits must possess a valid annual recreational marijuana permit issued under this Ordinance and must comply with the requirements of all applicable federal, state, and local laws, regulations, and ordinances, including, without limitation, this Ordinance. The permit term will be for a fiscal year, beginning July 1 and ending June 30 of the immediately following year. The permit must be obtained and renewed contemporaneously with the company principle’s obtainment and renewal of City’s business license. Permits are non-transferrable. A separate permit must be obtained for each form of business even if operated on the same premises or under the same ownership.

5. Permit Application; Renewal; Updates; Termination; Fees.

5.1 Initial Application; Fee. Application forms for recreational marijuana permits will be available at Madras City Hall. Applications for initial and renewal permits must be submitted to City and signed under penalty of perjury. At the time of submission of an initial permit application, the applicant must pay a permit application and investigation fee. The permit application and investigative fee amount will be set from time to time by Council resolution. No portion of the fee is refundable if a permit is denied or operation of the business is discontinued for any reason. A separate permit

application must be submitted for each proposed business location. The permit application documents may be included as part of City's business license application materials and must contain, at minimum, the following:

- (a) The location of the proposed business;
- (b) A description of the type, nature, and extent of the business to be conducted;
- (c) A description of the proposed accounting and inventory systems for the business;
- (d) Certification that the proposed business is licensed to conduct business in compliance with Ordinance No. 849, City's business license ordinance, and in compliance with all applicable federal, state, and local laws, regulations, and ordinances;
- (e) Certification that the proposed business has met the requirements of all applicable land use and/or development laws, regulations, and codes; and
- (f) Such other information deemed necessary or appropriate by the administrator to conduct any investigation and/or background check (including names and fingerprints) of the company principles, employees, volunteers, persons with a financial interest, and persons or entities providing debt financing for the business.

5.2 Renewal Application; Fee. A permit renewal application will include information similar in nature to that provided on the permittee's initial permit application and must be submitted to City not less than 30 days prior to expiration of the permit. Permit renewal application materials may be included as part of City's business license renewal application materials. At the time of submission of a permit renewal application, the permittee must pay a permit renewal application and investigation fee. The renewal application and investigation fee amount will be set from time to time by Council resolution. No portion of the fee is refundable if a permit is denied or operation of the business is discontinued for any reason.

5.3 Termination. A permit terminates automatically on June 30 of each year unless a permit renewal application is prior approved. A permit terminates automatically and without further act of City if any federal and/or state statutes, laws, regulations, ordinances, and/or guidelines are modified, changed, and/or interpreted in a manner by state or federal law enforcement officials so as to prohibit operation of the business under this Ordinance.

5.4 Notification of Changes. If a permittee is required to provide the Oregon Liquor Control Commission with any update, notice, report, or additional disclosure pursuant to OAR 845-025-1160 and/or any other state law and/or regulation, the permittee will supply the same information to City within the same deadline. If the supplied information necessitates a modification of the permit, such as the change in business location, the permittee will remit the applicable fee for an annual renewal.

6. Operation Regulations; Permit Conditions. Except as otherwise expressly provided under this Ordinance, each business must comply with the following operating regulations, in addition to any and all other applicable federal, state, and/or local laws, regulations, and/or ordinances:

6.1 Compliance with Applicable Laws. The business must at all times be operated in compliance with applicable Oregon laws and regulations, including, without limitation, ORS chapter 475B; OAR chapter 845; this Ordinance; all land use/development, building, and fire codes; and all other federal, state, and local laws, regulations, and ordinances, including, without limitation, those directly or indirectly relating to recreational marijuana, including the payment of all fines, fees, and taxes owing to City.

6.2 Oregon Liquor Control Commission Registration Required. Each business must at all times be registered and in good standing under Oregon law.

6.3 Business License Required. Each business must have a current City business license.

6.4 Production and Processing Restrictions.

(a) Co-location of businesses on the same premises is only permitted if and as allowed under applicable Oregon law and in accordance with the zoning ordinance.

(b) Subject to restrictions on certain forms of processing contained in this Ordinance, processors will only be permitted to engage in the forms of processing for which they have obtained applicable endorsements under OAR 845-025-3210.

(c) No production, processing, and/or wholesaling may occur in any outdoor area and/or in any structure where the production, processing, and/or wholesaling is visible from outside of the structure.

(d) Marijuana processors with an endorsement to produce cannabinoid extracts or concentrates must comply with state requirements for such production including, without limitation, OAR 845-025-3260.

(e) Marijuana processors with endorsements to produce cannabinoid edibles must comply with all state requirements for such production including, without limitation, OAR 845-025-3250.

6.5 On-Site Consumption Prohibited. Marijuana, alcohol, and other intoxicants must not be consumed, ingested, inhaled, and/or topically applied anywhere on the premises of the business, except that an employee of a business with a valid medical marijuana registry identification card may consume marijuana during his or her work shift as necessary for his or her medical condition as provided in OAR 845-025-1230(6)(b).

6.6 Operating Hours. Daily operating hours for retailers and wholesalers must be no earlier than 7:00 a.m. or later than 10:00 p.m., Monday through Sunday.

6.7 Odors. Each business must utilize an air filtration and ventilation system (and employ such other measures and means) that confines all objectionable odors associated with the business to the business's premises. Odor control measures must be installed and operational prior to commencing business operations. For purposes of this Section 6.7, the standard for judging "objectionable odors" will be that of a reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and where the odor is detected.

6.8 Disposal. Each business must provide for secure disposal of marijuana waste, expired marijuana products, marijuana remnants, and marijuana byproducts. Receptacles for such disposal must not be placed within the business's exterior refuse containers or otherwise outside of the control of the business.

6.9 Business Location. Each retailer must not be located (a) at the same address as any other business except as permitted under Section 6.4(a) of this Ordinance, (b) within 1,000 feet of the real property comprising a public or private elementary, secondary, and/or career school attended primarily by minors, and/or (c) in any area and/or zone not expressly permitted under the zoning ordinance. "Within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point on the boundary line of the real property on which the retailer is sited.

6.10 Signage. Signage will comply with any and all applicable sign codes.

6.11 Packaging of Edibles. All edible marijuana products sold and/or otherwise transferred on a retailer's premises must (a) contain warning labels on the outside of the packaging that state "For use only by adults 21 and older—Keep out of reach of children," "It is illegal to drive a motor vehicle while under the influence of marijuana," and "BE CAUTIOUS" in bold, capital letters, followed by "Cannabinoid edibles can take up to 2 hours or more to take effect," (b) be packaged in a tamper-proof hard or soft-bodied receptacle that is designed and constructed to be significantly difficult for children under five years of age to open and that is sealed, opaque such that the product cannot be seen from outside the packaging, closable for any product intended for more than a single use or containing multiple servings, and not brightly colored, depicting cartoons, or in the shape of an animal or any other commercially recognizable toy or candy, and (c) satisfies any and all applicable state requirements for packaging and labeling.

6.12 Minors. No minor is allowed on any business premises. No minor is allowed to enter the area of a business where marijuana is present.

6.13 Criminal Convictions. A person who has been convicted in any state for any felony, including for the manufacture or delivery of a controlled substance in Schedule I or Schedule II, once or more in the five years immediately preceding the date of application (or renewal) or twice or more in the person's lifetime may not be a company principle, employee, and/or volunteer of the business or have a financial interest in the business operated in City's incorporated limits.

6.14 Accounting System and Records. Each business must have an accounting system specifically designed for enterprises reliant on transactions conducted primarily in cash such that revenue and expenses are recorded as they are paid, regardless of when goods are received or delivered, and sufficient to maintain detailed, auditable financial records. If the administrator finds that

the business's books and records are deficient in any way and/or if the accounting system is not auditable, the business must modify the business's accounting system to meet the requirements of the administrator.

6.15 Record Keeping. Each business must keep and preserve records of all sales made by the business and such other books or accounts as may be required by the administrator. Each business must keep and preserve for a period of at least three years records containing at least the following information, in addition to that information specified under Oregon law: (a) true names and any aliases of the company principles; (b) true names and any aliases of employees/volunteers of the business; (c) true names and addresses and any aliases of persons that have or within the preceding year have had a financial interest in the business; (d) documentation concerning costs related to transferring, handling, securing, insuring, testing, packaging, and processing marijuana, and the cost of supplies, utilities, and rent or mortgage; (e) the amount of money paid by a business to a grower for each transfer of marijuana; (f) state and federal income tax returns; and (g) any other additional information the administrator deems necessary or appropriate.

6.16 Permit Display. Each business must display its current permit inside the business location in a prominent place easily visible to persons conducting transactions in the business and adjacent to the business's business license.

6.17 Sales and Transfers. Sales or other transfers of marijuana products on the business premises must occur inside the business's building and must be conducted only between the business and buyer. No walk-up or drive-through service is allowed.

6.18 Mobile Retailers Prohibited. Mobile retailers are prohibited. No person will locate, operate, own, allow to be operated, and/or aid, abet, and/or assist in the operation of any mobile retailer that transports or delivers, or arranges the transportation or delivery of, marijuana to a person.

6.19 Security System. Each business must obtain and maintain a fully operable security system that complies with applicable Oregon laws and regulations. The security system will be maintained in good working condition and will be in use at all times.

6.20 Worker Permits. All employees who perform work on behalf of an Oregon Liquor Control Commission licensed marijuana producer, processor, wholesaler, and/or retailer, including, without limitation, the licensees working in a licensed business or managing information in the cannabis tracking system, must possess a marijuana worker permit.

7. Background Checks. City will send to the Madras Police Department the information provided on each initial or renewal permit application. The police department may conduct criminal background checks (or obtain the results of background checks conducted by the Oregon Liquor Control Commission) to determine whether any person specified therein (including, without limitation, any person with financial interest, company principle, employee, or volunteer) has any history of felony convictions in Oregon and will inform City whether all persons named in the permit application passed the required Oregon background checks. Each business will provide City the results of criminal background checks (including federal background checks) for any person specified in an initial or renewal permit application including, without limitation, any person with financial interest, company principle, employee, or volunteer, to determine if any person specified therein has any history of federal

or state felony convictions. If, following an initial application or renewal, an additional person is proposed to be a person with financial interest, company principle, employee, or volunteer, then such person must pass the background check prior to assuming such position.

8. Release; Indemnification.

8.1 Release of Liability. By accepting a permit issued pursuant to this Ordinance, the business, business owners, persons with a financial interest, and company principle(s) waive and release City and City's officers, employees, volunteers, agents, insurers, and self-insurance pool for, from, and against any and all injuries, claims, demands, actions, suits, damages, liabilities, costs, and expenses of any kind, including, without limitation, attorney fees and costs, which arise out of or result from any arrest and/or prosecution of the business, business owners, persons with financial interest, company principles, employees, volunteers, clients, customers, and/or any other associated persons for violations of any federal, state, and/or local laws, regulations, and/or ordinances.

8.2 Indemnification. By accepting a permit issued pursuant to this Ordinance, the business, business owners, persons with a financial interest, and company principle(s) will, on a joint and several basis, indemnify and hold harmless City and City's officers, employees, volunteers, agents, insurers, and self-insurance pool for, from, and against any and all injuries, claims, demands, actions, suits, damages, liabilities, costs, and expenses of any kind whatsoever, including, without limitation, attorney fees and costs, arising out of or resulting from in any manner the operation of the business, including, without limitation, any bodily injury, personal injury, sickness, disease, death, property loss or damage, and/or any other loss.

9. Permit Denial, Suspension, and Revocation; Penalties; Appeals.

9.1 Grounds for Denial, Suspension, Revocation. The administrator may deny, suspend, or revoke a permit for failure to comply with this Ordinance, for submitting falsified information to City or to the Oregon Liquor Control Commission, and/or for noncompliance with any other City ordinances or regulations or violations of federal, state, and/or local laws, regulations, and/or ordinances.

9.2 Notice of Revocation or Suspension. The administrator must provide to the permittee written notice of any permit suspension or revocation and reasons therefor by first-class US mail at least 10 calendar days prior to the effective date of the revocation or suspension.

9.3 Appeal. A decision to deny, suspend, or revoke a permit may be appealed by delivering personally a written notice of appeal to the administrator on or before the effective date of the denial, suspension, or revocation. Unless the administrator has declared that imminent danger to the public will exist, the administrator's decision to revoke or suspend is stayed pending appeal. The administrator will transmit the notice of appeal together with the file of the appealed matter to the Council after which transmission the Council will fix a time and place for hearing the appeal. The Council will give the appellant not less than 10 days' prior written notice of the time and place of hearing of the appealed matter.

9.4 Violations; Infractions. Violation of or failure to comply with any provision of this Ordinance is punishable upon conviction by a fine not to exceed \$500.00. City will be entitled to collect from any company principle violating or otherwise failing to comply with this Ordinance City's

reasonable attorney fees and other fees, costs, and expenses incurred by City to enforce this Ordinance, including, without limitation, any costs incurred by City to audit a business's records. Each day in violation constitutes a separate offense. Business owners, company principles, employees, and volunteers are jointly and severally liable for such offenses.

9.5 Remedies not Exclusive. The remedies provided in this Section 9 are not exclusive and will not prevent City from exercising any other rights and/or remedies available under law, nor will provisions of this Ordinance prohibit or restrict City or other appropriate prosecutor from pursuing criminal charges under state law and/or City ordinances.

10. Public Nuisance Declared. Operation of any business within City's incorporated limits in violation of this Ordinance is hereby declared a public nuisance and may be abated pursuant to all available remedies.

11. Examination of Books, Records, and Premises.

11.1 Examinations by Administrator. To determine compliance with the requirements of this Ordinance, Oregon law, all land use/development, building, and fire codes, and/or all other federal, state, and local laws, regulations, and ordinances, including, without limitation, those directly or indirectly relating to recreational marijuana, including the payment of all fines, fees, and taxes owing to City, the administrator may examine or cause to be examined by an agent or representative designated by the administrator, at any reasonable time, the premises of the business, including wastewater from the business, and any and all financial, operational, and other information or documentation, including books, papers, payroll reports, and state and federal income tax returns. Every company principle is directed and required to furnish to the administrator the means, facilities, and opportunity for making such examinations and investigations.

11.2 Criminal Investigations. As part of the investigation of a crime or violation of this Ordinance that law enforcement officials reasonably suspect has taken place on the business premises, the Madras Police Department will be allowed to view surveillance videotapes or digital recordings relating to the business at any reasonable time.

11.3 Access. Without reducing or waiving any provisions of this Ordinance, the Madras Police Department will have the same access to the business, business records, and business operations as allowed to state inspectors. Denial or interference with such access will be grounds for revocation or suspension of the business's permit.

12. Severability; Corrections. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the Council to cure

editorial and/or clerical errors. Nothing in this Ordinance affects the validity of any criminal or civil enforcement actions commenced prior to the adoption of this Ordinance; all City ordinances existing at the time that such actions were filed will remain valid and in full force and effect for purposes of those actions.

13. Emergency Declaration. The Council finds that passage of this Ordinance is necessary for the immediate preservation of the peace, health, and safety of City's citizens. Therefore, an emergency is hereby declared to exist. This emergency Ordinance will be in full force and effect upon its passage by the Council and approval of the mayor.

This Ordinance was PASSED and ADOPTED by the Madras City Council by a vote of \_\_\_ for and \_\_\_ against and APPROVED by the mayor on this \_\_\_ day of \_\_\_\_\_, 2016.

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Abstentions: \_\_\_\_\_  
Absent: \_\_\_\_\_  
Vacancies: \_\_\_\_\_

\_\_\_\_\_  
Royce Embanks, Mayor

ATTEST:

\_\_\_\_\_  
Karen Coleman, City Recorder