



DAYTON PLANNING COMMISSION  
PRELIMINARY AGENDA  
111 S. 1<sup>st</sup> Street, Dayton, WA

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MEETING DATE: Tuesday, March 18, 2014  
MEETING TIME: 6:30 p.m.

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1. CALL TO ORDER

2. ROLL CALL

3. MINUTES of meeting approval for 2/18/2014 - See Agenda Attachments A

**Action - Approval of minutes for 2/18/2014**

4. COMMUNICATIONS FROM CITIZENS

5. UNFINISHED BUSINESS - None

6. NEW BUSINESS –

a. Election of Planning Commission Chair and Vice Chair

DMC 1-13.16. Meetings and rules. "A. The city planning commission shall organize and elect from its members a chair and a vice-chair. A majority of the commission members shall constitute a quorum for the transaction of business, and a majority vote of the quorum shall be necessary to carry any proposition."

**Action - Election**

b. Presentation/Workshop Session –Recreational and Medical Marijuana (see attachments) See Agenda Attachment B' M

7. OTHER – Overview - SMP Update

8. ADJOURN MEETING



# DAYTON PLANNING COMMISSION MEETING MINUTES

111 S. 1<sup>st</sup> Street, Dayton, WA

MEETING DATE: Tuesday, February 18, 2014

1. CALL TO ORDER by Joe Huether at 6:30 pm
2. ROLL CALL: Joe Huether, Chair; Greg Abramson, Vice Chair; Candace Jones; and Leslie Sweetwod; all present.
3. MINUTES REVIEW & APPROVAL – Candace made a motion and Greg seconded the motion to approve the minutes for 1/21/2014. The commission approved the minutes.
4. COMMUNICATIONS FROM CITIZENS - none
5. UNFINISHED BUSINESS – The Commission had a few comments regarding the process of developing the “Cooperative Parks Master Plan” (CPMP).
6. NEW BUSINESS:

## **Cooperative Parks Master Plan (CPMP).**

### **a. Public Hearing regarding the Feb 12, 2014 draft of the CPMP:**

- Chairman Huether opened the public hearing at 6:38 pm.
- Three Dayton Citizens were in attendance, Craig George, Mayor of Dayton; Kathy Berg, City Council Member; and Kathy George, Dayton Historic Preservation Commissioner.
- The Planning Commission heard from Karen Scharer, Dayton Planning Director regarding the public notice of the hearing, SEPA threshold Determination of Non-significance, list of exhibits prepared for the hearing (attached), written comments received (no opposed comments to the plan) and the staff recommendation for approval of the CPMP, subject to revisions as listed in the February 18, 2014 memo from K Scharer to the Planning Commission.
- There was no public testimony presented at the hearing.
- Karen indicated that the EWU interns are to make the final corrections to the draft before presenting the CPMP to the City Council. However Karen was unsure if they would have actually have time to update the plan before Monday.
- The hearing closed at 6:47 pm

Attachment A

**b. PC Discussion and Recommendation on the CPMP to Council**

- The Joe and Candace questioned how the PC recommendations would be presented to the City Council and other agencies. Karen provided the PC with a copies of the draft ordinance which the PC recommended plan would be attached to. She also clarified that the City Council, County and Port representatives and the EWU interns will receive an e-mail with attachment stating the Dayton Planning Commission recommendations.
- Joe motioned to forward the 2/12/14 draft CPMP to the City Council with the Planning Department recommendations for approval dated 2/18/2014. Candace seconded the motion. The motion was approved by the commission.

7. OTHER

Karen provided an overview to the PC of the 2014 Comp. Plan process and revisions.

8. MEETING ADJOURNED at 6:58 pm.      Next Meeting – March 18, 2014 @ 6:30 pm.

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Joe Huether, PC Chair

Date Signed

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Karen J Scharer, Planning Director

Date Signed

**CPMP Exhibits**  
**Public Hearing 2/18/2014**

1. Cooperative Park Master Plan – 2/12/2014 Draft (*not attached – previously distributed*)
2. Agenda for 2/18/2014 PC Mtg & PH (*not attached – previously distributed*)
3. SEPA Checklist – Signed 1/17/2014 (*not attached-available for review*)
4. SEPA DNS – Signed 1/24/2014 (*not attached-available for review*)
5. E-mail to Waitsburg Times Newspaper for publication on 1/30/2014  
(*not attached-available for review*)
6. Paul Gonthseth, P.E., WA ST DOT ltr 2/11/2014, comment on impacts
7. Terri Costello, WA ST ECY, ltr 2/13/2014, general comments
8. Katherine George, e-mail 2/16/2014, 5 specific comments on CPMP
9. Karen Scharer, AICP, Dayton Planning Director, 2/18/2014, Memo with list of recommended changes, including recommendations

Dayton Planning Commission

3/18/2014

List of Marijuana Informational Handouts

1. Ord. 1854 Attachment A Work Program
2. Marijuana Issues Overview
3. Rec. Marijuana – MRSC.org Frequently Asked Question
4. Enforcement of Rec. Marijuana – MRSC.org
5. Bills to revise Medical Marijuana State Laws
6. Odor Nose Scope – Smell Issues
7. Dayton Zoning Provisions Related to Marijuana Land Uses
8. Recreational Marijuana Discussion Topics
9. Worksheet – Zoning Options
10. Draft Map – 1000' Retail Limitations (in development)

Attachment M  
M 1 thru 9

## **ORD. 1854 - ATTACHMENT "A"**

### **CITY of DAYTON**

### **Work Program to Develop Zoning Regulations for**

### **Medical and Recreational Marijuana**

A work group consisting of representatives from the Sheriff's Office, Dayton Planning, Public Health and Columbia Co. Planning has been established to share information for the development of regulations regarding marijuana related uses in Columbia County and City of Dayton. The timeline for the City's work program is stated below:

#### **February 2014**

2/28/14 – Workgroup Meeting held & discussed:

- 1) How other jurisdictions are regulating marijuana, (Medical & Recreational)
- 2) Review ordinances of other jurisdictions,
- 3) Issues of enforcement (who & how)
- 4) Benefits and costs to the community
- 5) Desirability of having a local license and/or CUP for Rec. growing, processing, & retail; and Med. Communal Gardens & home growing for individual.

#### **March 2014**

3/6/14 - SEPA TD issued for an emergency extension of the Moratorium & Interim Zoning

3/10/14 - City Council considers whether to issue an emergency extension of the City Moratorium for 6 months until September 23, 2014.

3/14/14 - Work Group Meeting continues discussion of regulatory options and enforcement. Shares review literature, reports, studies related to secondary impacts of marijuana related land uses.

3/18/14 - Dayton Planning Commission meets for a work session to hear presentations by Planning Department and other work group representatives.

3/24/14 - City Council holds a public hearing for the emergency extension of the Moratorium & Interim Zoning

#### **April 2014**

4/14 - Work Group Meeting continues discussion of regulatory options and enforcement. Review latest adopted Washington State Liquor Control Board Rules.

4/15/14 - Dayton Planning Commission meets to review & discuss 1<sup>st</sup> preliminary draft of marijuana regulations.

## **May 2014**

5/2014 – Work Group Meeting Draft regulations are reviewed and input provided.

5/20/14 - Dayton Planning Commission meets to review & discuss 2nd draft of marijuana regulations.

## **June 2014**

Planning Department publishes the most current draft of proposed zoning regulations for marijuana.

Planning Department issues a SEPA threshold determination and a 60 day Notice to the Dept. of Commerce “intent to adopt”.

## **July 2014**

7/15/14 - Planning Commission holds a public hearing on the proposed marijuana regulations and decides whether to hold a 2<sup>nd</sup> public hearing in August.

## **August 2014**

8/19/14 - Planning Commission makes a recommendation to the City Council regarding regulation of marijuana. (Possible 2<sup>nd</sup> Public Hearing)

8/25/14 - Council considers whether to approve the proposed marijuana zoning regulations.

## **September 2014**

9/23/14 – Moratorium is lifted unless the City Council extends the moratorium or adopts regulatory provisions.

## Marijuana Issues

### 1. Citizens of Dayton – How do our citizens want the City to regulate?

Columbia County - 54% of the voters were against legalizing Recreational Marijuana.

### 2. Options for Regulation:

- Regulate all use(s) under existing codes (See Attachment)
- Prohibit sales, processing and/or producing of Rec. Marijuana
- Prohibit dispensaries and/or collective gardens associated with Med. Marijuana
- Revise codes to regulate how marijuana uses are allowed.

### 3. Availability of Marijuana to Minors

Will allowing recreational marijuana sales in Dayton lead minors to use other drug?

### 4. Law Enforcement Funding – 2/24/14 Cities petition the State:

*"If the state is relying on local cities to enforce new marijuana laws, it needs to provide some of the new marijuana tax revenues to pay for it – this is a matter of common sense and fairness. It is estimated legalizing marijuana will give the state significant new annual tax revenue. We're asking for a portion of those revenues."* (See Attachment)

### 5. Controlling the Smell - Offensive Odor from Marijuana Plants

If growing and processing is allowed, how will the City control smell?

Which way is down wind? (See Attachment)

### 6. City Liability

Indemnification of Owner/Applicant for Permit(s) should federal issues arise

### How other Counties and Cities are Regulating Land Use

<http://www.mrsc.org/subjects/legal/502/recmarijuana.aspx#table>

- Many cities choosing to allow marijuana, prohibit recreational marijuana in the residential zones and prohibit as a home occupation.
- Many cities limit marijuana to only industrial zones.

### Business or other Licensing

Is licensing a preferred option in regulating use?

### Revisions to Medical Marijuana State Law & Bills under consideration by legislature

(See attachment \_\_\_)

## Recreational Marijuana 2/2014 MRSC.org Frequently Asked Questions

**If a city or county establishes zoning for recreational marijuana businesses (providing locations where state licensed growers, processors and retailers can set up shop), would that governmental action in any way put at risk the receipt of federal funds related to other local government functions, such as roads, airports, clean water projects, etc.?**

We have not heard or read anything that would lead us to believe that any federal agency would restrict or deny federal funds to any local government in Washington because of compliance with the state laws and regulations regarding recreational marijuana.

**If a city has determined that all of the land within the city limits is either zoned residential or is within the 1,000 foot separation zone (from schools, parks, recreation centers, etc.) established by I-502, is the city still required to allow recreational marijuana businesses?**

No, in that circumstance the state laws and regulations prohibit the locating of any recreational marijuana businesses within your boundaries. Please let your residents know, and notify the Liquor Control Board of your initial determination. The Liquor Control Board will determine if the 1,000 foot separation distance restricts a recreational marijuana business from a specific proposed site.

**The Liquor Control Board released a list showing how many licenses they might issue for each county, and how many for certain designated cities. The list labels some stores as being "at large" - what does that mean?**

The "at large" stores are retail stores that will be issued licenses for locations within a county, but not within a city that is listed. The "at large" stores could be located in unincorporated areas of the county or in an incorporated city or town that is not listed.

**Are there restrictions on where marijuana retailers may be located?**

Stores may not be within 1000 feet of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, or arcade.

**Can jurisdictions limit where producers, processors, and retailers of marijuana locate?**

Local land use and zoning regulations will apply to the siting of marijuana growing, processing, and retail locations. All producers, processors, and retailers of marijuana will require a license issued by the Liquor Control Board. Cities will have the ability to object to the granting of a proposed license.

The following three questions were asked by attorney Colin Olivers of Everett, and the responses are by Alan Rathbun, Washington Liquor Control Board:

**Is the LCB requiring anything from local governments as part of the application process? I've had several people concerned that they needed city business licenses to apply for the state license. My reading is that they need a state business license to apply, but nothing from local jurisdictions. There appears to be some confusion on this point.**

The only thing requested of local governments in the application process is a response to the "local authority notice" as to whether they object to either the location or the applicant and on what grounds that objection is based. As I said at WSAMA, we will not be considering denial based on a local ordinance, but we do want to notify applicants if there is a local "hurdle" that must be crossed before they can ultimately operate in their chosen location. Yes, a WSLCB license is the only requirement under I-502, but we do recognize that many cities and counties have business license or other local land use requirements over which they have authority.

**There was a question about later location of sensitive uses (schools, libraries, etc.) within the 1,000-foot setback. You mentioned that you wouldn't pull a license in this scenario. My follow up question is whether you would consider the location of the sensitive land use in the yearly re-licensing decision.**

Once a license is issued by the WSLCB based on application of the requirements of law and rule, we do not anticipate seeking cancellation or non-renewal of that license based simply on the movement of "sensitive use" within the 1,000-foot buffer of that licensed location. Once issued, any intent to cancel or revoke that license will require due process for the license holder and likely an administrative hearing.

**I was wondering whether the LCB considered any regulations related to odor. Our police have identified this as a concern from their experience with smaller scale illegal grows. Did the LCB consider this issue directly and determine that there would not be significant odor impacts (even for Tier 3 producers) or did the issue never directly come up?**

The LCB did get comments on odor; however we viewed this issue similar to other environmental issues around licensed locations that are outside our scope under I-502. We understand that other agencies like the Puget Sound Clean Air Agency would be the more relevant authority to seek such regulation rather than the LCB. We have consistently communicated with our potential applicants that there may be many other regulations that they may face outside the requirements for obtaining a producer, processor or retail marijuana license.

# Enforcing Recreational Marijuana

## MRSC.org Update 2/2013

### Introduction

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I-502 legalized the possession and private recreational use of marijuana. Police officers may arrest individuals for driving under the influence of marijuana and issue citations for consuming marijuana in public. The Washington State Liquor Control Board has until December, 2013, to establish the procedures and criteria for issuing licenses to produce, process, and sell marijuana. Until then, there is no legal way to obtain the drug for non-medicinal use.

For further information on other topics related to the implementation of initiative 502, see MRSC's main [Recreational Marijuana: A Guide for Local Governments](#) page.

### Frequently Asked Questions

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#### **Who can have marijuana, and how much?**

Adults 21 years of age or older may legally possess up to 1 ounce of marijuana, 16 ounces of marijuana-infused product in solid form, and 72 ounces of marijuana-infused product in liquid form. (Initiative 502, section 20)

#### **What marijuana related conduct remains criminal under Washington law?**

Possession of marijuana in amounts above the limits set in I-502 (see the previous question) remains criminal. Growing or selling marijuana without a license from the state remains criminal. Additionally, Initiative 502 provides a standard for driving under the influence of marijuana (above the threshold limit of 5 nanograms of THC per milliliter of blood). (Initiative 502, Section 3, 31, 33(1)(b))

#### **What are the consequences of possession of over an ounce?**

Possession by adults of over one ounce to 40 grams (about 1.5 ounces) results in a misdemeanor. Possession of more than 40 grams is a Class C Felony.

#### **Where can you legally buy marijuana?**

The Washington State Liquor Control Board has until December 1, 2013, to establish guidelines and regulations for the sale and distribution of marijuana. Until then, it is illegal to purchase marijuana from an unlicensed provider. It is also illegal to grow or sell marijuana. Collective gardens used by medical marijuana patients are not affected by the language of this initiative. (Initiative 502, Section 10)

#### **What constitutes an infraction for marijuana?**

Law enforcement officers have probable cause to cite for the infraction based upon seeing someone with the product or smelling it, and the person is within public view. This person would be charged with a Class 3 civil infraction under [Ch. 7.80 RCW](#). Though the fine is not directly specified in the initiative, some have predicted the citation will likely result in a \$103 fine. (Initiative 502, Section 21)

**Can law enforcement seize marijuana and paraphernalia?**

Quantities of marijuana that exceed the limits specified by Initiative 502 may be seized. If the quantity possessed is within the allowed limits, law enforcement cannot seize the marijuana unless they can articulate some other behavior that suggests criminally illegal behavior or activity, and further searches of the person are not lawful. Law enforcement agencies' will adopt policies regarding seizure of marijuana and/or paraphernalia.

**If a law enforcement officer witnesses a person smoking what appears to be marijuana, can they then search that person?**

The officer who witnesses the infraction can contact the person and issue the citation. Officers can initiate a search only if there is suspicion or indication that the person receiving the citation may be armed, or if that person gives the presiding officer indication they have criminal possession on their person.

**Must law enforcement officers have warrants for blood tests?**

If officers believe someone is driving under the influence and impaired, they will conduct a field sobriety test. If officers establish probable cause, they will ask for permission to draw blood, or they can obtain a warrant from a judge. As in the past, refusal to submit to a test carries mandatory license suspension penalties, and the refusal to take the test can be admitted into evidence in a prosecution for driving under the influence. In the case of a collision, blood draws are mandatory. The provisions and policies of a blood draw are not a new practice and were not changed by the initiative.

**How does law enforcement obtain blood?**

Officers must follow their agency's policy. Many take the person to the nearest hospital facility for the blood draw.

**Can marijuana purchased legally in Washington be transported to other states?**

No. Marijuana and marijuana products are to be consumed in Washington State.

**Since it's legal to possess marijuana after December 6, but there will not be licensed retailers from which to purchase it until 2013, can people be arrested for possession?**

I-502 decriminalizes marijuana possession and use in Washington State for those age 21 and older and who possess any combination of: one ounce of marijuana, 16 ounces of marijuana in solid form or 72 ounces in liquid form.

**Is it possible that the liquor control board will change or delete the prohibition on consumption of marijuana in plain view of the general public?**

The liquor control board does not have the authority to change that prohibition. Because that prohibition was enacted as Section 21 of Initiative 502, only the legislature can make changes.

## HIT & RUN BLOG

### Washington State Wants to Eliminate Medical Marijuana Co-Ops, Bring Patients Under Tighter Control Elizabeth Nolan Brown | Mar. 3, 2014 5:15 pm

Two bills in the Washington state legislature aim to "reconcile" the state's medical and recreational marijuana markets, *The Associated Press* reports. An attempt to cut back on bureaucracy or make a patchwork of competing regulations easier to follow? Not so much. The measures would put tighter restrictions on medical marijuana patients and dispensaries, which currently operate as cooperatives. Small business owners like Loaded Soda's Dave Kois think the moves amount to little more than a money grab by the state.

"They see medical as a threat to their tax money on the recreational side," said Kois, who grows marijuana high in the antioxidant and anti-inflammatory cannabis compound cannabidiol and low in THC (the compound that gets you stoned). He told *AP* that medical and recreational marijuana are "two separate systems and they should stay that way."

Staying that way would mean operating under a bifurcated regulatory scheme that considers medical marijuana dispensaries "collective gardens," wherein patients pool resources to grow and distribute medical weed. These medical pot collectives are freer from state regulation than folks dealing in recreational marijuana, who must be licensed by the state.

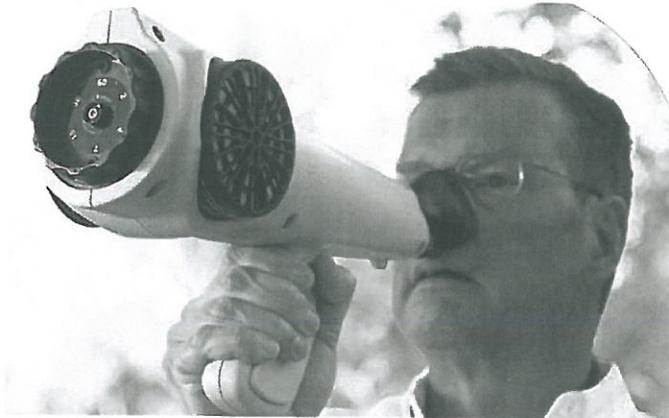
The measures (House Bill 2149 and Senate Bill 5887) under consideration by Washington legislators would eliminate these collective gardens, naturally. To stay in existence, current medical marijuana co-ops and dispensaries would have to get licensed by the state or shut down. The bills—one of which has passed the House and is awaiting a Senate hearing; the other awaiting a vote in the state Senate Ways & Means Committee—would also place further restrictions on medical marijuana.

Both bills look to reduce the amount of marijuana and number of plants patients can possess, and would do away with collective gardens by the middle of next year. They would also establish a patient registry that would provide medical marijuana patients with an authorization card that would grant them a sales tax break on medical marijuana purchased at authorized stores. Both allow stores to have a medical endorsement to sell medical along with recreational marijuana and also allow an option for endorsed retail stores to solely serve medical marijuana patients. Rivers' bill requires the Liquor Control Board, which is overseeing implementation of I-502, to consider the needs of patients in determining the number of retail licenses issued. Currently, the board has limited recreational retail licenses to 334 across the state, for which there are currently more than 2,000 applications.

Medical marijuana patients have, quite understandably, been decrying the potential changes. Some fear that buying in the recreational weed market will be more expensive and lead to a low supply of low-THC strains of marijuana. The bills would also severely curtail the amount of marijuana patients can possess, from 24 ounces to 3 ounces, and the number of plants they can grow, from 15 to six (though both would allow health care professionals to authorize more if deemed necessary). Washington lawmakers claim these measures are necessary in order to keep the federal government from stepping in.

# Police use 'nose telescope' for cannabis odour mapping

Police in Denver are using a nose telescope to tackle odours from the recreational use of marijuana



The nose telescope – also known as an olfactometer – is the device used to measure the concentration of cannabis in the air Photo: [www.nasalranger.com](http://www.nasalranger.com)

By **David Millward** 10:15AM GMT 14 Nov 2013

As more cities in **America** legalise the drug, attention has switched to the pungent smell that wafts from the joint itself.

Denver has passed a new “odour ordinance” with a potential \$2,000 (£1,247) fine for anyone found guilty of polluting the atmosphere.

The need to draw up standards emerged because of the confusion over the legal position of whether somebody smoking marijuana in their own home could be committing an environmental offence when the smell seeps into the street.

Under the new law an offence is committed if the odour is detectable when the smoke is mixed with seven times the volume of clean air.

The nose telescope – also known as an olfactometer – is the device used to measure the concentration of cannabis in the air.

It has something of a Heath-Robinson appearance with a telescope type device attached to a nosepiece.

Denver Police have opted for something called the “Nasal Ranger”, **costing \$1,500** (£935).

However the more sophisticated version of the technology, which also records both the concentration and GPS coordinates of where the offending whiff was recorded **costs \$3,500** (£2,183).

This does, however, include a subscription to a patented odour tracker programme.

Denver is one of a number of cities across the USA to have legalised pot.

Last week recreational use of the drug was legalised for adults over 21 in Portland, Maine at the other end of the country.

## Dayton Zoning Provisions Related to Marijuana Land Use(s)

### Current Zoning without a Marijuana Moratorium:

Regulation of Marijuana:	AR	UR	CC	FC	IN	OR & QP
<b>Recreational Marijuana</b>						
Production	P	A	X	X	P	X
Processing	A	A	A	P	P	X
Retail	A	A	P	P	A	X
<b>Medical Marijuana</b>						
Dispensing	A	A	P	P	A	X
Collective Gardens	A	A	X	X	P	X
Medical Growing by Patient (Individual)	A	A	A	A	A	X

A=Accessory Use    P=Permitted Use    X= Not Permitted    C=Conditional Use

### DMC Zoning Umbrella for Land Uses permitting Marijuana Use(s)

	AR Agricultural Res.	UR Urban Residential	CC Central Commercial	FC Fringe Commercial	IN Industrial	OR Open Space & Rec.	PQ Public & Quasi-Public
<b>11-03.020 – USES /RESIDENTIAL ZONES</b>							
A. Tent Structure, Residential See DMC 11-03.040 for limitations	A	A					
A. Private garages and storage buildings, including carports	A	A					
B. General farming <sup>2</sup>	P	A					
C. Home business or occupation*	A	A					
C. Retail nurseries and greenhouses	A	A					
<b>11-04.020- USES. /Commercial Zones**</b>							
A.1. Grocery stores & general merchandise stores			P	P			
A.1 Lumber, building supplies, nurseries and greenhouses			A	P			
A.1 Specialty retail shops primarily providing in and out service that do not need major warehouse space such as ... convenience stores and similar			A	P			
A.1 Specialty food shops such as bakeries, ... and similar specialty foods			P	P			
A.3. Medical offices and clinics			P	P			
A. 5. Light manufacturing and production such as ..., production bakeries and meat processing			A	P			
D. Agricultural Uses			X	X			

	AR Agricultural Res.	UR Urban Residential	CC Central Commercial	FC Fringe Commercial	IN Industrial	OR Open Space & Rec.	PQ Public & Quasi-Public
<b>11-05.020. –USES / INDUSTRIAL ZONE***</b>							
A. Agricultural product value added processing such as: Vegetable, fruit and grain processing, Production of food ... including baked goods,					P		
B. Sales and services dependent on large warehouse space such as ... nurseries and greenhouses					P		
B. Sales and services of products produced in the industrial zone					A		
E. Production nurseries and greenhouses					P		
<b>11-06.020 OPEN SPACE AND PUBLIC ZONES</b>						X	X

**\* 11-03.060 - LIMITS ON BUSINESSES. (Residential Zones)**

It is the intent of this chapter to permit any legal economic activity in a residential unit to the extent that the business activity does not detract from the residential character of the neighborhood and the activity does not create a nuisance (noise, odors, visual blight, etc.) to neighbors. Businesses in residential zones must conform to the following requirements:

- A. Unless the business use is a conditional use authorized in this chapter and the business has been specifically reviewed and approved, the business must be a use that is accessory to a principal residential use and the area used only for the business use cannot occupy more than 40 percent of the gross floor area of all structures on a lot;
- B. Traffic and parking volumes created by the business may not create a detrimental effect on the surrounding residential uses and generally should not exceed ten vehicles arriving and departing per day and should not result in on street parking that takes up parking space beyond the lot frontage where the business is located;
- C. The business may not produce odor, gas, vibrations, noise, magnetic interference, or other elements that are detrimental to the surrounding residential uses;
- D. The noise level of the work in the business may not exceed normal residential noise levels;
- E. No items related to the business may be stored outside;
- F. The business may not employ on-site more than two people who are not residents of the dwelling unit on the lot where the work is occurring;
- G. No business related window displays, or exterior displays are permitted and no structures can be built on the lot that reflect any use other than a residential use; and
- H. Identification signs may not exceed three square feet in area and may not rotate, flash, be internally lighted or include changing image, changing message or message boards or be installed on a roof.

**\*\*Commercial Zones**

**11-04.030 B. 8.** Venting from uses which produce major odors, vapors, smoke, cinders, dust, gas and fumes shall be at least ten feet above finished sidewalk grade and cannot be vented within 100 feet of a residential zone.

**11-05.080. - Exterior Lighting.**

Exterior lighting in commercial zones shall be shielded from and directed away from residential uses. Exterior lighting on poles other than on public rights-of-way or signs in compliance with the sign ordinance shall not exceed a height of 20 feet above finished grade.

**\*\*\*Industrial Zone**

**11-05.030 B 6.** Venting from uses that produce major odors, vapors, smoke, cinders, dust, gas and fumes shall be at least 20 feet above finished grade and shall not be vented within 100 feet of residential zoned property.

**DMC 11-01.050 - DEFINITIONS AND INTERPRETATION OF LANGUAGE.**

"Accessory use or structure" means a use or structure on the same lot, parcel or tract with and subordinate to the permitted principal use or structure. Examples of generally accepted and permitted accessory buildings and uses related to a primary residence are garages for vehicles owned and operated by residence occupants, ADU's, shops for hobby work or repairing personal property, garden buildings, shelters for pets.

"Building" means a structure designed to be used to provide a place of business, residence, storage or shelter to occupants for the purposes of setback standards, it does not include minor utility structures, light poles, utility boxes, benches, signs or other similar structures.

"Building, principal" means a building in which the principal use on the lot is conducted.

"Conditional use" is a use that may be compatible only under certain conditions in specific locations in a zone and if the site is regulated in a certain manner in order to achieve the purposes of this title to protect health, safety and general welfare of the public.

"Conditional use" means a use permitted in a zone only after review and approval by the Hearing Examiner. Conditional uses are such that they may be compatible only on certain conditions in specific locations in a zone, or if the site is regulated in a certain manner in order to achieve the purposes of this title.

"Farming, general" means the cultivation, breeding, raising and production for commercial purposes of plants, animals, fish and products from plants, animals and fish, but excluding feedlots.

"Fence" means an accessory structure, including landscape planting, designed and intended to serve as a barrier, or as a means of enclosing a yard or other area or other structure, or to serve as a boundary feature separating two or more properties.

"Food Processing" means an industrial production of food from a natural state to a packaged state through approved FDA processes and standards.

"Home business or occupation" means a business, or professional enterprise conducted within a dwelling or accessory building by the occupants of the dwelling and the commercial use is incidental and accessory to the primary residential use of the premises and the commercial activity does not alter or detract from the residential character of the residence or the neighborhood.

"Noise" means the intensity, duration and character of sound from any and all sources.

"Occupancy or use" means the purpose for which a lot or building is used or intended to be used.

"Sight-obscuring fence or screening" means a method by which a view of one site is shielded from view from adjacent sites or streets. To qualify as a sight-obscuring fence, at least 75 percent of the fence surface must consist of opaque material.

"Yard" means an open space on a lot or parcel which is required to be unoccupied and unobstructed from the ground upward to the sky by any structure except fences, platforms, walks and other customary yard ornaments and furniture.

# Recreational Marijuana Discussion Topics

Issue	Preliminary Staff Recommendation	Planning Commission Preliminary Preference
1. Should the existing regulations for medical cannabis collective gardens remain unchanged and kept separate from recreational marijuana		
2. Should the City regulate recreational marijuana facilities?		
3. Should staff wait on drafting medical marijuana regulations until after the state considers changes to State Law?		
4. Should the sale of recreational marijuana be regulated like other retail uses?		
5. In which zones should recreational marijuana retail outlets be allowed?		
6. Should the city require marijuana facilities to have a business license?		
7. Should marijuana facilities be permitted outright or should a Conditional Use Permit be required?		
8. Should marijuana production and processing facilities be regulated as a light manufacturing use?		
9. In which zones should marijuana production and processing facilities be allowed?		
10. Should there be a separation requirement between recreational marijuana facilities? This could be between all facilities or could be between types (i.e. between retail facilities and other retail facilities; between production and processing facilities and retail facilities, etc.)		

## Discussion Topics cont.

Issue	Preliminary Staff Recommendation	Planning Commission Preference
11. Other than restricting marijuana retail outlets to one zone, should they be regulated like other retail outlets?		
12. Should the issue about "social clubs" providing a gathering place for marijuana consumption be addressed?		
13. Should the City prohibit all marijuana?		
14. Are there other aspects recreational marijuana facility operations that should be regulated?		
15.		
16.		
17.		
18.		
19.		
20.		

# WORKSHEET

## Zoning Options for Marijuana Land Use(s)

Regulation of Marijuana:	Agricultural Res.	Urban Residential	Central Commercial	Fringe Commercial	Industrial	Open Space & Rec. Public & Quasi-Public
	AR	UR	CC	FC	IN	OR & QP
<b>Recreational Marijuana</b>						
Production						
Processing						
Retail						
<b>Medical Marijuana</b>						
Dispensing						
Collective Gardens						
Medical Growing by Patient (Individual)						

A=Accessory Use    P=Permitted Use    X= Not Permitted    C=Conditional Use

**Setbacks**

**Distance from other established uses**

**Lighting**

**Smell**

**Nonconforming Use**