

MINUTES
REGULAR COUNCIL MEETING
OF
June 13, 2016
5:30 p.m.

THE DALLES CITY HALL
313 COURT STREET
THE DALLES, OREGON

PRESIDING: Mayor Stephen Lawrence

COUNCIL PRESENT: Tim McGlothlin, Taner Elliott, Linda Miller, Dan Spatz

COUNCIL ABSENT: Russ Brown

STAFF PRESENT: City Manager Julie Krueger, City Clerk Izetta Grossman, Planning Director Richard Gassman, Finance Director Kate Mast, Public Works Director Dave Anderson, Police Chief Jay Waterbury, Project Coordinator Daniel Hunter

CALL TO ORDER

The meeting was called to order by Mayor Lawrence at 5:30 p.m.

ROLL CALL

Roll call was conducted by City Clerk Grossman, Councilor Brown absent.

PLEDGE OF ALLEGIANCE

Mayor Lawrence invited the audience to join in the Pledge of Allegiance.

APPROVAL OF AGENDA

It was moved by Spatz and seconded by Miller to approve the agenda as submitted. The motion carried unanimously, Brown absent.

PRESENTATIONS/PROCLAMATIONS

Veterans Services Support Andretta Schellinger spoke on behalf of Veteran's Services Groups.

Ms. Schellinger said the Veteran's Center was run with 1.5 full time employees and 15 volunteers. She said the volunteer coordinator was retiring and they were seeking funds to replace the position with more hours.

Schellinger said that she had taken the request to the Wasco County Commissioners and they had increased the funding from 1.5 full time employees to 2.

Mayor Lawrence thanked her for the information saying the budget process was complete.

AUDIENCE PARTICIPATION

Charles Langley, 200 West Fourth Street spoke regarding his concern for public safety. He listed his concerns as:

- Railroad goes directly through downtown hauling many hazardous materials
- Lewis and Clark Park events should require a crossing guard at the railroad tracks
- The redevelopment of the Tony's building into residential housing just a half block from the railroad tracks was a bad idea
- Fireworks at the dock should not be allowed or at least the brush and dried grass cleared before each event
- 6th Street Bridge needs cantilever sidewalks, they were too narrow and a safety hazard

He said that public safety should be a top priority for the Council.

CITY MANAGER REPORT

City Manager Julie Krueger brought the audit letter at the back of the agenda packet to the Council's attention saying it was a requirement of audits.

Krueger reported that the construction crew on Thompson Street had hit a blow off line that caused water to flood the street. She said this would delay completion of the project one day.

CITY ATTORNEY REPORT

City Attorney Gene Parker reported he had received comments back from Northwest Natural Gas regarding the franchise agreement and had responded back to them. He said he anticipated having the agreement before Council in July.

He reported that he had received three inquiries regarding franchise agreements from telecom companies.

CITY COUNCIL REPORTS

Councilor Spatz said he had attended the meeting in Mosier regarding the oil train derailment and had a draft resolution he would like the Council to consider. He read the resolution (attached).

Spatz moved to adopt the resolution. The motion failed for lack of a second.

Councilor McGlothlin reported he had attended dinner with Gary Lewis (Sports Television Personality) on June 3 and attended a music concert on June 10 at St. Peter's Landmark. He said he was forever grateful to those who saved the building in the 1970's. McGlothlin thanked Victor Johnson for bringing such great talent to the City.

He said a Homeless Summit had been scheduled for June 29 in the Council Chambers at 5:30 p.m.

Mayor Lawrence congratulated The Dalles Main Street who had recently been accepted to the performing level of the Main Street Program.

He said he met with Union Pacific representatives who had been in Mosier, and Hood River to answer questions regarding the cause of the derailment. He said they identified the cause and are changing the system from bolts to spikes.

Mayor Lawrence said he was very upset about the derailment, and was encouraged after meeting with the representatives and learning of their plans to address the issue.

He said the train would be coming back through the gorge on Tuesday, but would be empty.

CONSENT AGENDA

It was moved by Spatz and seconded by Elliott to approve the Consent Agenda as presented. The motion carried, Brown absent.

Items approved by Consent Agenda were: 1) Approval of May 23, 2016 Regular City Council Meeting Minutes; 2) Approval of Resolution No. 16-020 assessing the property at 800 East 13th Street for abatement of junk and hazardous vegetation; 3) Approval of Amendment No. 9 to Operations Management International (OMI) Agreement to Operate the Wastewater Treatment Plant for Fiscal Year 2016-17.

Spatz reminded staff that Council requested a cost analysis of operating the plant in house before the next 10 year renewal, which would be next year.

PUBLIC HEARINGS

General Ordinance No. 16-1343 Regulating the Time, Place and Manner of Sales of Marijuana in the City of The Dalles

Mayor Lawrence opened the hearing and asked for the staff report.

City Attorney Parker reviewed the staff report, noting that the ordinance did not address personal grow sites. He said that would be a separate ordinance.

Planning Director Gassman distributed a map identifying the allowed areas. He said the map reflected a 1000 foot buffer around churches, schools and daycare facilities.

Miller asked if the existing medical dispensary would be grandfathered in. Planning Director Gassman said the medical dispensary would remain, but they would have to abide by the recreational sales ordinance for the recreational sales.

Mr. Brock, 719 East 19th #4 and owner of Columbia River Herbals addressed his concerns that the buffer zones were too strict. He noted there were four bars within 250 feet of his business; two with outside seating, his business did not allow consumption on site.

He said he wanted to increase his hours from closing at 6 p.m. to closing at 8 p.m.

Chris Zukin, 915 West 14th Street handed out a study regarding traffic fatalities (attached). He said the intent was to limit areas where marijuana can be made, sold and used. He said allowing marijuana sales reflected poorly on The Dalles. He said Klickitat County was taking years to

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study and develop ordinances and he felt The Dalles should as well.

Deby Jones, 4575 Basalt Street and Director of YouthThink said she attended the Planning Commission meetings and witnessed a thoughtful deliberation. She thanked the Commission. She asked Council to consider the recommendations.

Luke Tanner, 119 West Second Street (attached letter) said that limiting the grow/production areas did not seem to be in the best interest of The Dalles. He said he was concerned about edibles getting into the hands of children, but didn't feel it was the growers or production company's responsibility. He asked the Council to consider an ordinance that looked more like the first draft of the ordinance (attached) and allow conditional use permits in the light industrial area.

Hearing no further testimony Mayor Lawrence closed the hearing. Councilor McGlothlin said he just received the map and would like more time before making a decision.

Mayor Lawrence asked if the Council could review a map reflecting a 750 foot buffer.

Miller requested a map with a 500 foot buffer.

Spatz said the definition of "church" needed to be clarified.

It was the consensus of the Council to ask staff to bring back a map identifying a 500 foot buffer, a 750 foot buffer, and one identifying light industrial property. The Council requested a copy of the first draft of the ordinance and for staff to work on a clearer definition of "church".

ACTION ITEMS

Adopt General Ordinance No. 16-1344 making amendments to Land Use Development Ordinance regarding RV Park regulations

Planning Director Dick Gassman reviewed the staff report.

Spatz asked about options for RV's to stay longer than one year.

Gassman said the desire was to allow a way to extend beyond a year for construction workers who might be on the job for up to 18 months. He said the RV Park would process the request through the Planning Department on a case by case basis.

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City Clerk Grossman read General Ordinance No. 16-1344 by title only.

It was moved by Miller and seconded by McGlothlin to adopt General Ordinance No. 16-1344 by title only. The motion carried, Elliott voting no, Brown absent.

Municipal Court Recommendation

City Attorney Parker reviewed the staff report.

It was moved by Spatz and seconded by McGlothlin to accept the recommendation from the Municipal Court Task Force for the Municipal Court to continue its current method of operation. The motion carried, Brown absent.

Miller said initially she was not in favor, but after receiving the information was in support.

McGlothlin thanked Judge Peachey for implementing Mental Health Court. Miller agreed.

Approval of Enterprise Zone Immediate Opportunity Grants List

City Manager Krueger reviewed the staff report.

It was moved by McGlothlin and seconded by Miller to approve the proposed immediate opportunity grants for funding, contingent on approval by Wasco County and equally divide any remaining funds. The motion carried, Brown absent.

DISCUSSION ITEMS

Enterprise Zone Abatement Report

Project Coordinator Daniel Hunter reviewed the staff report.

Hunter said the Enterprise Zone would sunset on June 30, 2018. He said in order for The Dalles to qualify for a new Enterprise Zone the City would have to have a decrease in population, median income and increased unemployment.

Hunter pointed out that a new long term abatement agreement would have to be in place by June 30, 2017. He said long term abatement was over 7 years and less than 15.

Mayor Lawrence thanked him for the report.

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ADJOURNMENT

Being no further business, the meeting adjourned at 7:27 p.m.

Submitted by/
Izetta Grossman
City Clerk

SIGNED: 
Stephen E. Lawrence, Mayor

ATTEST: 
Izetta Grossman, City Clerk

WHEREAS, on June 3, 2016, 16 rail cars carrying crude oil from the Bakken Fields in North Dakota derailed in Mosier, Oregon, and

WHEREAS, four of these cars caught fire, leading to explosions and leakage of 42,000 gallons of oil, some of which infiltrated Mosier's wastewater treatment system and the Columbia River, and

WHEREAS, this same crude oil shipment earlier travelled along First Street in The Dalles, and would then have traversed Hood River, Cascade Locks, Multnomah Falls and points west, and

WHEREAS, the derailment caused the two-day evacuation of a nearly 300 residents and evacuation of nearby Mosier Community School, and

WHEREAS, despite regular safety checks by Union Pacific Railroad, the accident was apparently caused by a broken rail fastening, and

WHEREAS, there are an estimated 1.8 million fasteners on the Union Pacific line between The Dalles and Portland, and

WHEREAS, within the past year, oil tanker cars that derailed and caught fire in Illinois and West Virginia were considered the most up-to-date, stronger than the majority of tank cars hauling crude oil, and

WHEREAS, local and state governments have no control over the content of rail cargo, but are responsible for responding to derailments, and

WHEREAS, the State of Oregon receives no revenue from the transportation of crude oil through its jurisdiction, and

WHEREAS, the number of rail cars carrying crude oil across the U.S. grew by 6,000 percent between 2007 and 2013, according to the American Association of Railroads, and

WHEREAS, *Federal Railroad Administration acting administrator Sarah Feinberg contends that oil companies need to do more to ensure the safety of crude by rail shipments, since she believes that railroad companies carrying Bakken shale crude oil have done all they can do to ensure public safety,* and

WHEREAS, since the deaths of 42 residents in the town of Lac-Mégantic, Quebec, Canada, in 2013, there has been a string of oil train collisions and derailments, including derailments at Aliceville, Ala., Casselton, ND, Lynchburg, VA, and now Mosier, Oregon, and

WHEREAS, in 2015 more oil spilled in rail accidents – 1.15 million gallons – than during the previous 35 years combined, and

WHEREAS, until the shale oil boom began in 2012, virtually all oil was shipped from production to refinery via pipeline, which would if it existed today enable similar transport from the Bakken shale fields as an alternative to rail transport, and

WHEREAS, American taxpayers subsidize oil and gas producers through tax breaks amounting to approximately \$120 billion, and

WHEREAS, according to the Association of American Railroads, Class I railroads such as Union Pacific and Burlington Northern carried approximately 400,000 carloads of crude in 2015, more than 40 times as many as in 2008, and

WHEREAS, when derailments occur, the rail operator rather than the oil producer is typically responsible for damages, and

WHEREAS, although crude oil is not the only hazardous material transported by rail, it does present a unique danger because of the sheer quantity of oil transported on so-called "unit trains," where no other cargo is present, and

WHEREAS, Public Law 360 is a federal mandate requiring U.S. railroads to carry certain freight, including crude oil, chemicals and hazardous materials, and

WHEREAS, Surface Transportation Board Chairman Daniel R. Elliott informed Senate Commerce, Science and Transportation Committee Chairman John Thune, R-S.D., that Law 360 is not absolute and railroads may suspend service for various reasons, including public safety, and

WHEREAS, less than one-third of the nation's 39,000 rail tanker cars meet enhanced safety guidelines recommended by the National Transportation Safety Board for oil shipment, and

WHEREAS, the Hazardous Materials Rail Transportation Safety Improvement Act of 2015, introduced by Sen. Ron Wyden, Jeff Merkley, D-Ore., and others would expedite the phase-out of older tank cars and encourage companies to replace them with newer, safer cars, and

WHEREAS, the bill also would place a \$175 per shipment fee on older tank cars and make available a tax credit for companies that upgrade the newer cars, and

WHEREAS, the Cities of Hood River and Mosier, and the Confederated Tribes of the Warm Springs, Umatilla, New Perce and Yakama Nations, have voiced their opposition to the continued transport of oil by rail, or a related shipping terminal at the Port of Vancouver, or both, and

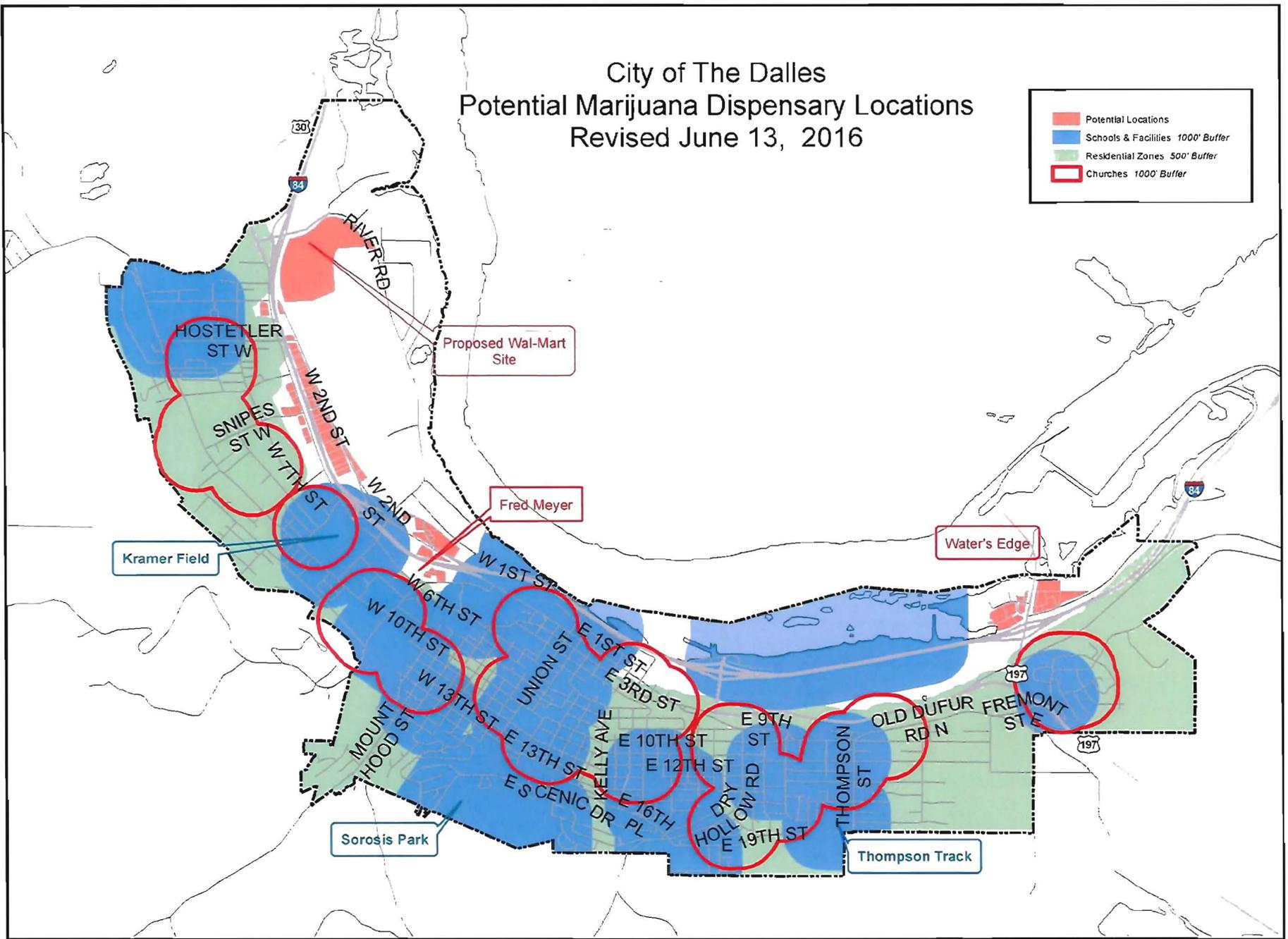
WHEREAS, Chief Bob Palmer of Mid-Columbia Fire & Rescue has stated in public session of The Dalles City Council that The Dalles is not prepared to handle an oil train derailment and fire, and

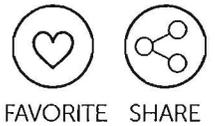
WHEREAS, even industry-standard safety procedures by Union Pacific Railroad did not prevent the derailment and explosion at Mosier, Oregon, on June 3, 2016, which incident could as readily have occurred along First Street in downtown The Dalles,

NOW THEREFORE BE IT RESOLVED, that The Dalles City Council finds an imminent and continuing public safety hazard from the unit rail transport of crude oil through its jurisdiction, and

BE IT FURTHER RESOLVED that *The Dalles City Council calls upon Union Pacific Railroad, Burlington Northern Railroad, the Cities of Mosier, Cascade Locks, Hood River, Bingen and Stevenson, the Columbia River Gorge Commission, and the Confederated Tribes of the Warm Springs, Umatilla, Nez Perce and Yakama Nations to petition Congress to find the owners and operators of Bakken crude oil production fields to be jointly, individually and solely responsible for all costs incurred as the result of crude-by-rail derailments and fires in any locality of the United States, and that until such liability be formally assigned these parties likewise call upon Congress to institute a suspension of the requirements of Public Law 360 and impose an immediate, national moratorium on all crude-by-rail shipment.*

City of The Dalles Potential Marijuana Dispensary Locations Revised June 13, 2016






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Teenage cannabis use continues to drop nationwide, according to a new report from the Centers for Disease Control and Prevention, as more states move to legalize and regulate through medical and adult-use programs.

The report, released today, is based on statistics compiled as part of the federal agency's 2015 Youth Risk Behavior Study. The survey is conducted every other year using a representative sample of U.S. high school students.

From U.S. News & World Report:

Despite increasingly liberal state laws and public attitudes, students' reported lifetime pot use fell more than 2 percentage points to 38.6 percent in 2015. Past-month use slipped more

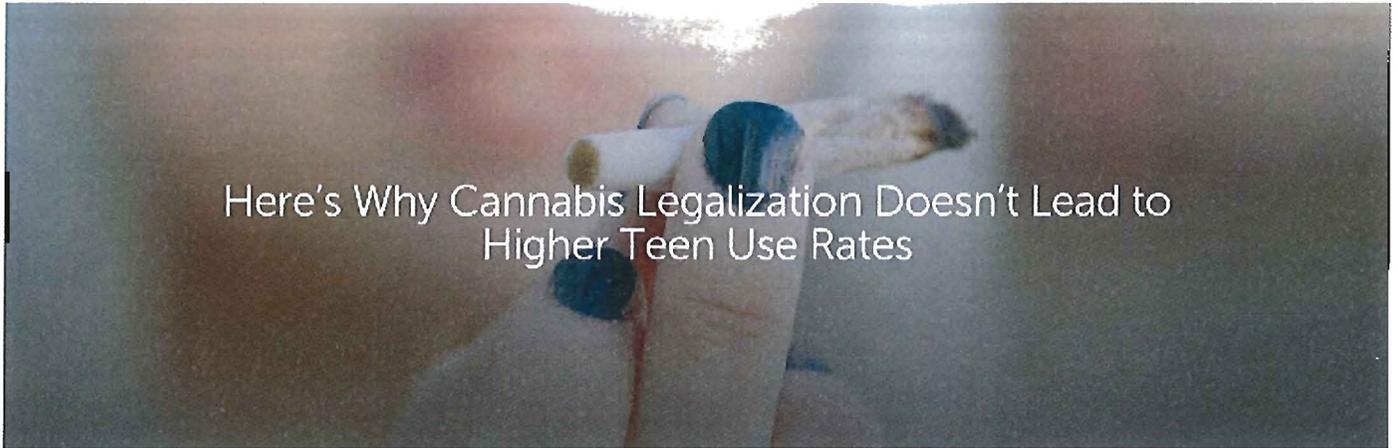


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slightly to 21.7 percent, though neither change is itself statistically significant.



The results support data from a number of studies published recently, all of which reported a collective drop in teen cannabis use, even as they viewed that use as less risky to their health.

The full study can be found below.

[2015 YRBS Results by stevennelson10](#)

Centers for Disease Control and Prevention

MMWR

Morbidity and Mortality Weekly Report

Surveillance Summaries / Vol. 65 / No. 6

June 10, 2016

Youth Risk Behavior Surveillance — United States, 2015



U.S. Department of Health and Human Services
Centers for Disease Control and Prevention

Surveillance Summaries




Customers are waiting!

[REACH THEM NOW »](#)

Canadian Prime Minister Justin Trudeau laid out a compelling argument for nationwide cannabis legalization Wednesday at an economic conference in Toronto. But unlike many pro-cannabis politicians, he seemed unconcerned with the promise of tax revenue or job growth. Instead, he said legalization was about protecting children:

Look, our approach on legalizing marijuana is not about creating a boutique industry or bringing in tax revenue, it's based on two very simple principles:

The first one is, young people have easier access to cannabis now, in Canada, than they do in just about any other countries in the world. [Of] 29 different



countries studied by the U.N., Canada was number one in terms of underage access to marijuana. And whatever you might think or studies seen about cannabis being less harmful than alcohol or even cigarettes, the fact is it is bad for the developing brain and we need to make sure that it's harder for underage Canadians to access marijuana. And that will happen under a controlled and regulated regime.

Fair point — and one that's been supported time and time again as more research streams in showing that legalization doesn't lead to teen use.



Trudeau continued:

The other piece of it is there are billions upon billions of dollars flowing into the pockets of organized crime, street gangs and gun-runners, because of the illicit marijuana trade, and if we can get that out of the criminal elements and into a more regulated fashion we will reduce the amount of criminal activity that's profiting from those, and that has offshoots into so many other criminal activities. So those are my focuses on that.

I have no doubt that Canadians and entrepreneurs will be tremendously innovative in finding ways to create positive economic benefits from the legalization and control of marijuana, but our focus is on protecting kids and protecting our

streets.

The *Washington Post's* Christopher Ingraham called Trudeau's argument "one of the more buttoned-down, straight-edged arguments for legalization I've heard in recent years" — in a good way. The reasons Trudeau gives for ending prohibition, Ingraham argues, are the kind that everyone, not just cannabis consumers, can get behind.



While many pro-legalization politicians back up their legalization stances with the benefits regulated cannabis could potentially bring, Ingraham writes, Trudeau's argument centers on reducing harm. "He starts from the same place that many legalization opponents start from — concern for the children."

Trudeau's statement is a sign of something else, too. As we learn more about legalization's success shrinking the black market, and as we start to amass data showing that regulated cannabis doesn't lead to higher teen use rates (and may actually reduce them), it's clearer and clearer that legalization isn't a special interest — it's a public interest.



HEADLINES



25 Comments

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Marty Gabriele

Why do people believe this crap about Cannabis being harmful to the adolescent mind. Do you know what more harmful? McDonald's, Doritos, cigs, alcohol, and redbull just to name a few. Kids can by all those energy drinks that are worse than plutonium and no one seems to care about protecting them from that?

Like · Reply · 23 · Jun 12, 2016 6:38am



Ben Alexander Gaertner · Owner-Operator at Ben Gaertner's Music Studio

I agree. But still. We don't know enough about the developing brain. Even tho all those others cause damage...so can MMJ on developing brains.

Like · Reply · 21 hrs

Walter Morandini · Westbank, British Columbia

You are correct, we do not know much about our brain, However I can guarantee you that medicin from Big Pharma, does more damage to your brain over just 1 Month, than taking cannabis for a whole lifetime. I know this b/c I'v experienced it.

Like · Reply · 3 · 18 hrs



Paul Pot

The calls for reform appreciated but please do so without the sensational claims and please acquaint yourself with some real science because there is no evidence that cannabis does any damage to anyone at any age. The info being referred to is all manufactured propaganda designed to frighten the public and protect the prohibition industry and should not under any circumstances be used as a guide in the formation of law as such prejudice can end up being responsible for far stricter regulations than useful. Especially in light of the working examples already proving that cannabis consumption, i... See More

Like · Reply · 21 · Jun 10, 2016 9:00pm



Mike Bacon Mccourt

I so agree, I hate when people try using unsubstantiated evidence or theories to justify their actions or decisions. They don't bother to check the validity of what they are saying, how do they expect us to believe a word out of their mouths about this or anything else for that matter. The only reason The Gov does anything is if they are making something for nothing outta of it!

Like · Reply · 1 · Jun 12, 2016 9:24am



Marilyn Lake Lee · Owner/Partner at The Ideal Environment, Brian Lee Architect



Legalization of cannabis will ensure that the correct strains for medical and for recreational use are identified, with potency on the label, just like alcohol. Many young friends and members of my family & neighbourhood suffered with extreme depression and de-motivation from school and tasks from cannabis use in the '70s, not realizing that weed was the cause, until they stopped and detoxed from it. Some resorted to anti depressants, with disastorous results, and some haven't done well in life, and lost decades of productivity, until they got clean. We joke about them having 'a case of arr... See More

Like · Reply · 25 · Jun 10, 2016 2:40pm



Cooper Neff · Works at Serverbob.net

We need more people like you in this world

Like · Reply · 8 · Jun 10, 2016 3:45pm



John Purcell · Rotorua, New Zealand

In short I think the only sensible approach to this matter is 'legalisation'; for our childrens sakes..!

Like · Reply · 4 · Jun 10, 2016 4:21pm



Stuart Lucks · Works at MIBAR.net

Next time you represent yourself as an authority, try earning accreditation in the actual field you are focusing on.

Where is your evidence to support these outlandish stories?

Did you actually remove young brains from childrens' bodies and examine them?

You try to represent yourself as an authority, but you ony offer hearsay to support your foolish conclusions.

Like · Reply · 6 · Jun 12, 2016 6:49am

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Tim Reynolds

Lets not get carried away here! It's made to seem that it was Trudeau alone thta came up with these reasons fror legalization. People have been saying the saem thing Tudope has said for decades. Having said that, at least Trudope is acting on it.

Like · Reply · 5 · Jun 12, 2016 7:19am



Paul Haussmann

Too right Tim , I wrote a poem 32years ago after getting a short internment for growing my own.

one verse I wrote;

"If it were to become legal

It would give, without reprieval,

That so called Freedom of Choice,

Back to the People. " Yep , Australia is run by polititions with there heads up their arses just like all the other fascist run countries. Oppression reigns supreme !!!

Like · Reply ·  1 · Jun 12, 2016 7:36am

Walter Morandini · Westbank, British Columbia

Even though I wasn't born in this country, I have followed it's history since the turn of the century. I have found that history repeats itself over several years. The North American continent experienced a gruesome and violent episode during prohibition. I do not know how many years alcohol prohibition was enforced but I have seen much worse violent crime to protect the turf of illegal drugs trading. I do think there is another more mystical reason for making cannabis illegal. Cannabis cleanses the mind. Same as the body needs periodical cleansing.

Like · Reply · 17 hrs



Deborah Smith-Heitter

Marilyn Lake Lee: very well said. I agree further info about various strains, amounts and effects of various strains on the brain need to be made more easily found and available. Makes absolute sense. I too have seen potheads become far less productive in their lives, by smoking it daily. There is something to that, hence the importance of learning more about effects on a young brain... Thank u for a well thought out, thought provoking post

Like · Reply · Jun 12, 2016 3:51pm



Steve Milton · Director / Editor at Spectrecom Films

The fact that it's illegal means that it goes unregulated, which in turn leads to strains being grown with excessive THC content. This is especially dangerous for younger people with under-developed minds, and I've read some scientific reports that suggest that this can lead to psychosis. The plant is not meant to be taken in this unbalanced way - taking high quantities of THC with little CBD can be quite dangerous. Look at what happened with the US prohibition on alcohol - bottles being sold with dangerously high alcohol content and no labels on the side to tell people what to expect. Of course it's fine to take cannabis both recreationally or medicinally - but it needs to be regulated which can only happen through legalisation.

Like · Reply · 7 hrs · Edited



Troy Anderson

Charge less than the gangsters do for ganja thatll get rid of the criminal element because if its expensive to buy the blackmarket will still flow cheaper buds. And stop arresting ppl for possession. Any amount of bud shouldnt matter

Like · Reply · Jun 12, 2016 12:15pm



Ben Alexander Gaertner · Owner-Operator at Ben Gaertner's Music Studio

Amen. Finally. Truth. Enough w the fda and DEA.....allowing pharmaceutical companies to kill us with their meds when MMJ can take more than half of the pills of the shelf that cause damage then MMJ ever would

Like · Reply · 21 hrs



Justin Boudreau · Manager at DoubleU Casino - Free Slots, Poker, Blackjack and Baccarat

Hi I'm been smoking since 70s wasn't law then helps me eat an cancer an pain we all smoke medical weed must fight for our own rights even cops lawyers judges smoke it true keep away from kids but kids have family's give them cetegetts an booze so wear law on that trudell doesn't I understand things in toronto any world live in we news meds we fight law to get it till legalese also doctors help us medical weed harmless helps cure medical issues iagree about kids remember there family's give the rights wrongs not govenment hope people agree price goes up go to black market get cheaper cops goes... See More

Like · Reply · Jun 12, 2016 1:13pm



David M. Booth · Cartoonist/Graphic Artist at Self-Employed

I don't really care what reasons he has, it's just wonderful that Canada will lead the way to ending the pot prohibition. I's about time. Hopefully, the U.S. will follow suit.

Like · Reply · 1 · Jun 12, 2016 2:27pm

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FATAL ROAD CRASHES INVOLVING MARIJUANA DOUBLE AFTER STATE LEGALIZES DRUG

AAA research delivers a case study of what other states could experience

BOISE - (May 10, 2016) - A new study by the AAA Foundation for Traffic Safety shows crashes involving drivers who recently used marijuana doubled in Washington after that state legalized the drug in 2012. The new research also raises the troubling specter that setting legal limits for marijuana and driving is an arbitrary practice, unsupported by science, making enforcement a tougher challenge.

AAA Foundation research that examined drug tests and fatal crashes among drivers in Washington following that state's December 2012 legalization of marijuana found:

- The percentage of drivers involved in fatal crashes who had recently used marijuana more than doubled from eight to 17 percent between 2013 and 2014.
- One in six drivers involved in fatal crashes in 2014—using the most recent data available—had recently used marijuana.

“The significant increase in fatal crashes involving marijuana is alarming,” said Peter Kissinger, President and CEO of the AAA Foundation for Traffic Safety. Kissinger said Washington serves as an eye-opening case study for other states, including at least 20 which are considering marijuana legalization this year.

States looking for ways to enforce drug-impaired driving are leaning towards the creation of legal, or ‘per se’ limits, which specify the

maximum amount of active THC that drivers can have in their system based on a blood test. But setting limits for THC—the main chemical component in marijuana that can impair driver performance and affect the mind—is not supported by science.

The relationship of specific amounts of alcohol in the blood (BAC) has proven to be an effective and reliable method for enforcing alcohol impairment. But researchers who examined the lab results of drivers arrested for impaired driving concluded that legal limits for marijuana and driving are problematic because:

- ***There is no science showing that drivers reliably become impaired at a specific level of marijuana in the blood.*** Depending on the individual, drivers with relatively high levels of marijuana in their system might not be impaired, while others with low levels may be unsafe behind the wheel. With alcohol, there is clear relationship that crash risk increases significantly at higher BAC levels.
- ***High THC levels may drop below legal thresholds before a test is administered to a suspected impaired driver.*** The average time to collect blood from a suspected driver is often more than two hours because taking a blood sample typically requires a warrant and transport to a facility. Active THC levels may decline significantly, dropping below legal limits during that time.
- ***Marijuana can affect people differently, making it challenging to develop consistent and fair guidelines.*** For example, frequent users of marijuana can exhibit persistent levels of the drug long after use, while drug levels can decline more rapidly among occasional users.

“It is understandable that lawmakers and the public want to set legal limits for marijuana impairment, just as we do with alcohol,” said Dave Carlson, public affairs director for AAA Idaho. “But in the case of marijuana, that approach is flawed and not supported by scientific research. It’s simply not possible today to determine whether a driver is impaired based solely on the amount of the drug in their body.”

WHAT CAN STATES DO, GOING FORWARD?

AAA urges states to use more comprehensive enforcement measures to improve road safety. Rather than relying on arbitrary legal limits, states should use a two-component system that requires (1) a positive test for recent marijuana use, and most importantly, (2) evidence of behavioral and physiological impairment.

This two-part system would rely heavily on two current law-enforcement training programs: Advanced Roadside Impaired Driving Enforcement (ARIDE) and the 50-state Drug Evaluation and Classification (DEC) program. These programs teach enforcement officers to recognize drug-impaired driving.

“Marijuana can affect driver safety by impairing vehicle control and judgment,” says Marshall Doney, AAA’s President and CEO. “States need consistent, strong and fair enforcement measures to ensure that the increased use of marijuana does not impact road safety.”

Whether the use of marijuana is legal or not, all motorists should avoid driving while impaired. Just because a drug is legal does not mean it is safe to use while operating a motor vehicle. “Drivers who get behind the wheel while impaired put themselves and others on the road at risk,” said Dave Carlson from AAA Idaho.

Editors: see [Edited B-roll Video](#) footage. Or check out the high resolution images, a U.S. map of marijuana laws, broadcast quality video and fact sheets in more detail at the NewsRoom.AAA.com.



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Marijuana Resource Center: State Laws Related to Marijuana

- [Marijuana Resource Center](#)
- [Marijuana FAQ](#)

Since 1996, 23 states and Washington, DC have passed laws allowing smoked marijuana to be used for a variety of medical conditions. It is important to recognize that these state marijuana laws do not change the fact that using marijuana continues to be an offense under Federal law. Nor do these state laws change the criteria or process for FDA approval of safe and effective medications.

These state laws vary greatly in their criteria and implementation, and many states are experiencing vigorous internal debates about the safety, efficacy, and legality of their marijuana laws. Many local governments are even creating zoning and enforcement ordinances that prevent marijuana dispensaries from operating in their communities. Regulation of marijuana for purported medical use may also exist at the county and city level, in addition to state laws.

Voters in Alaska, Colorado, Oregon, and Washington state also passed initiatives legalizing the sale and distribution of marijuana for adults 21 and older under state law. District of Columbia voters approved Initiative 71, which permits adults 21 years of age or older to grow and possess (but not sell) limited amounts of marijuana. **There are critical differences in marijuana laws from one state, county, or city to another. For more information, refer to the the National Conference of State Legislatures (NCSL).**

It is important to note that Congress has determined that marijuana is a dangerous drug and that the illegal distribution and sale of marijuana is a serious crime. The Department of Justice (DOJ) is committed to enforcing the Controlled Substances Act (CSA) consistent with these determinations. On August 29, 2013, DOJ issued guidance to Federal prosecutors concerning marijuana enforcement under the CSA. The Department's guidance is available on the DOJ Web site, and provides further detail.

June 13, 2016

The Dalles City Council
The Dalles City Hall
313 Court Street
The Dalles, Oregon 97058

Re: *Proposed General Ordinance No. 16-1343*
Land Use Regulation of Cannabis Grow Sites in The Dalles

Dear City Council for the City of The Dalles:

My name is Luke Tanner, and I am a legal cannabis grower. My comments will address the implications of proposed general ordinance no. 16-1343 for legal cannabis grow sites in the City of The Dalles.

If enacted, this ordinance would prohibit grow sites in the City's Commercial/Light Industrial (CLI) zone and allow them only in the Industrial (I) zone. I hope my comments will persuade the City Council to revise the ordinance to allow legal grow sites in the CLI zone.

A. Cannabis Cultivation Is Nursery Activity, Which Is Currently Allowed in the CLI Zone.

Under LUDO 5.070.020.A.1, allowed uses in the CLI zone include "nurseries." LUDO 5.070.020. LUDO 2.030 defines "nursery activity" as a type of "agriculture" involving the "cultivation of commercial crops." Cannabis grow sites like mine involve cultivation of a commercial crop in a nursery setting. This is precisely the type of activity that is allowed in the CLI zone. If the City changes the current zoning scheme by enacting general ordinance no. 16-1343 in its present form, it will lose much and gain nothing.

B. Experience Shows the CLI Zone Is an Appropriate Place for a Cannabis Grow Site.

I currently operate a medical grow site in the CLI zone, which is in an ideal location near I-84. I am not aware of any complaints about the operation from anyone. The City should not be afraid of having grow sites in the CLI zone.

C. Cannabis Grow Sites Are Already Regulated by the State.

The State's robust regulatory scheme governs virtually every aspect of a grow site. Its enforcement program will be well funded thanks to licensing fees and tax

revenue. The state has an interest in strict enforcement to ensure an even playing field for regulated entities and discourage the black market. Every step of the production process must be tracked and documented. Every gram of marijuana must be accounted for. State regulation already addresses the risks and impacts of cannabis production.

D. A Conditional Use Permit Could Address Site-Specific Issues.

If the City is concerned about the potential impacts of a grow site in the CLI zone, it should make it a conditional use in that zone. The conditions of a CUP can address any site-specific issues and ensure compatibility with surrounding uses. I am confident a grow site can easily blend in with the other uses in the CLI zone.

E. The CLI District Needs More Viable Businesses.

Anyone touring the City's CLI district immediately notices a large number of vacant properties and "for rent" signs. Many of these properties would be appropriate locations for a grow site. The CLI district needs more viable businesses.

F. There Is Demand Among Growers for Buildings in the CLI District.

Allowing grow sites will create tremendous economic opportunities for landowners and small businesses. There is demand among cannabis growers for the types of buildings and locations currently available in the CLI district. The City has an opportunity to support a growing industry akin to what the craft beer industry was 30 years ago.

G. The City and Its Citizens Will Benefit.

Allowing growers into the CLI district will benefit the City and its citizens. Landowners will receive more rental income. Property values will increase. Property taxes will increase. Grow sites will create jobs and income. More money will be spent in the community, supporting local businesses and families.

H. If Dispensaries Are Allowed in the CLI Zone, Cannabis Grow Sites Should Be as Well.

City code already allows medical dispensaries in the CLI zone. The proposed ordinance would allow recreational dispensaries there as well. An indoor cannabis garden is much less conspicuous than a dispensary. Plants grow on artificial light, not natural light. They are kept out of public view within carefully controlled environments in pods or tents inside a building. Operating a garden requires few daily vehicle trips and deliveries, and people rarely come and go. Odor control systems are standard and effective. If dispensaries are to allowed in the CLI zone, grow sites should be as well.

I. Limiting Grow Sites to the Industrial Zone Would Be Almost the Same as Banning Them.

Today I drove through the City's Industrial district. There was one unoccupied location that could potentially support a grow site. Limiting grow sites to the Industrial zone would have almost the same effect as a city-wide ban. The City Council wisely chose to regulate and not ban grow sites from the City. Prohibiting them in the CLI zone would undermine the wisdom of that decision

J. Wasco County Allows Grow Sites in Many Zones.

Legal growers prevented from operating in the CLI zone will set up their operations in nearby Wasco County, which allows grow site in at least four different zones (EFU, F-1, F-2, RC-TV-AG). The City will lose the benefits of rising property values, rental income, jobs, and property tax revenue. It will lose the opportunity to be at the forefront of a growing industry. It will cede that opportunity to the County, at great cost and with little or no benefit. It should, instead, embrace that opportunity and allow legal cannabis growers to operate the CLI district.

K. Limiting Grow Sites to the Industrial Zone Will Not Protect Children.

The legal cannabis industry shares the State's and City's interests in protecting children from controlled substances and the risks of substance abuse. Limiting grow sites to the industrial zone will not serve that interest. Before Measure 91, marijuana was readily available to people who wanted it. Dispensaries will soon be opening in the CLI zone. There are a multitude of legal grow sites in Wasco County. Prohibiting grow sites from operating in the CLI zone will not somehow eradicate the risks that marijuana poses to children.

As with alcohol, our society must balance the rights of individuals with the interests of children and other vulnerable members of society. We must encourage a culture of responsibility. We must find an appropriate level of regulation that mitigates specific risks and impacts without unnecessarily depriving citizens of their freedom.

When prohibitions and regulations go too far, they do not work. Allowing grow sites as conditional uses in the City's CLI zone, subject to State regulation, strikes an appropriate balance. It will allow lawful growers to succeed in the local market while ensuring appropriate benefits for the City and its citizens and appropriate protections against the minimal land use impacts associated with legal grow sites.

L. The City Should Return to Its Prior Draft Ordinance.

At the first Planning Commission meeting regarding the proposed ordinance, the ordinance was drafted to allow grow sites as conditional uses in the CLI zone. The Planning Commission opposed that proposal and directed City staff to redraft the ordinance to prohibit grow sites in the CLI zone. For the reasons stated above, the City should reject that aspect of the Planning Commission's recommendations and return to the prior draft ordinance that would allow grow sites in the CLI zone.

In conclusion, I thank the City Council for its time, attention, and consideration of my comments regarding proposed general ordinance no. 16-1343.

Very truly yours,

Luke Tanner

Potential LUDO amendments related to additional
marijuana regulations

Chapter 2 – Definitions. Include new definitions in Section 2.010

Marijuana - means ~~the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.~~ 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. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

Marijuana Items – means marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

Marijuana Processing – The processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates, or cannabinoid extracts, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.

Marijuana Production – The manufacture, planting, cultivation, growing, trimming, harvesting, or drying of marijuana, provided that the marijuana producer is licensed by the Oregon Liquor Control Commission, or registered with the Oregon Health Authority and a “person designated to produce marijuana by a registry identification cardholder”.

Marijuana Retailing - The sale of marijuana items to a consumer, provided the marijuana retailer is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.

Marijuana Wholesaling - The purchase of marijuana items for resale to a person other than a consumer, provided the marijuana wholesaler is licensed by the Oregon Liquor Control Commission.

Person Designated to Produce Marijuana by a Registry Identification Cardholder - A person designated to produce marijuana by a registry identification cardholder under Oregon Revised Statutes 475.304 who produces marijuana for a registry identification cardholder at an address other than the address where the registry identification cardholder resides.

RL – Residential Low Density District

Section 5.010.040 would be renamed Prohibited Uses and would read as follows:

Section 5.010.040 Prohibited Uses

Marijuana production, processing, wholesaling, and retailing are prohibited uses in all RL – Residential Low Density districts.

Section 5.010.040 through 5.010.070 would be renumbered 5.010.050 through 5.010.080, with 5.010.050 being renamed Neighborhood Compatibility and 5.010.080 being renamed Exception to Standards.

RH – Residential High Density District

Section 5.020.040 would be renamed Prohibited Uses and would read as follows:

Section 5.020.040 Prohibited Uses

Marijuana production, processing, wholesaling, and retailing are prohibited uses in all RH – Residential High Density districts.

Section 5.020.040 through 5.020.080 would be renumbered 5.020.050 through 5.020.090, with 5.020.050 being renamed Neighborhood Compatibility and 5.020.090 being renamed Exception to Standards.

RM – Residential Medium Density District

Section 5.030.040 would be renamed Prohibited Uses and would read as follows:

Section 5.030.040 Prohibited Uses

Marijuana production, processing, wholesaling, and retailing are prohibited uses in all RM – Residential Medium Density districts.

Section 5.030.040 through 5.030.070 would be renumbered 5.030.050 through 5.030.080, with 5.030.050 being renamed Development Standards and 5.030.080 being renamed Exception to Standards.

NC – Neighborhood Center Overlay District

Section 5.040.040 would be renamed Prohibited Uses and would read as follows:

Section 5.040.040 Prohibited Uses

Marijuana production, processing, wholesaling, and retailing are prohibited uses in all NC Neighborhood Center overlay zones.

Section 5.040.040 through 5.040.070 would be renumbered 5.040.050 through 5.040.080, with 5.040.050 being renamed Development Standards and 5.040.080 being renamed Exception to Standards.

CBC – Central Business Commercial District

Section 5.050.030(A)(23) would be revised for a new permitted use concerning retail marijuana facilities, which would read as follows:

23. Recreational Marijuana Facilities. An application for a retail marijuana facility shall also comply with the following criteria:

- a) The retail facility must be located more than 500 feet from any RL, RH, or RM Residential District, measured in a straight line from the closest edge of the property line on which the retail facility is located to the closest edge of the property in the RL, RH, or RM Residential District.
- b) The retail facility must be located more than 1,000 feet from all of the following facilities, measured in a straight line from the closest edge of the property on which the other facility is located:
 - 1. A public elementary or secondary school for which attendance is compulsory under ORS 339.020, or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a).
 - 2. A public library.
 - 3. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.
 - 4. *A licensed daycare facility or licensed preschool existing at the time of the start of the retail facility.*
 - 5. *An established church, including church schools, existing at the time of the start of the retail facility.*
 - 6. Any other recreational marijuana retailer registered with the Oregon Liquor Control Commission.
- c) The retail facility must be located in a building and may not be located in an intermodal cargo container, motor vehicle, recreational vehicle or residential trailer. Outdoor storage of merchandise, raw materials, or other material associated with the retail facility is prohibited.
- d) The retail facility shall not have a drive-up use.
- e) The retail facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed in the retail facility's exterior refuse containers.
- f) ~~The retail facility shall be licensed by the Oregon Liquor Control Commission under the State of Oregon's retail facility licensing system under ORS 475B.110 to 475B.125, as now constituted, and meet the requirements of OAR Chapter 845 Division 25 Recreational Marijuana.~~ **facility's license or authority must be in good standing with the Oregon Health Authority or Oregon Liquor Control Commission and the retail facility must comply with all applicable laws and regulations administered by the respective state agency, including, without limitation those rules that relate to labeling, packaging, testing, security, waste management, food handling, and training.**
- g) The hours of operation for the retail facility shall be no earlier than 10:00 AM and no later than 8:00 P.M.

- h) The retail facility must use an air filtration and ventilation system which, to the greatest extent feasible, contains all marijuana-related odors within the facility rather than allowing such odors to escape outside. Sufficient measures and means of preventing odors, debris, fluids and other substances from exiting the facility must be in effect at all times.
- i) No one under the age of 21 shall be permitted to be present in the building space occupied by a marijuana retailer, except as allowed by state law.
- j) Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by a marijuana retailer. In addition, marijuana retailing shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club.
- ~~k) Subject to the limitations and provisions described in Section 5(4) of Senate Bill 1511 adopted in 2016, a marijuana retailer registered under section 5 of Senate Bill 1511 may sell medical grade cannabinoid products, cannabinoid concentrates and cannabinoid extracts at retail in the same manner that rules adopted under ORS 475B.010 to 475B.395 allow a marijuana retailer to sell general use cannabinoid products, cannabinoid concentrates and cannabinoid extracts at retail, excepting those circumstances where differentiating between the sale of medical grade cannabinoid products, cannabinoid concentrates and cannabinoid extracts and the sale of general use cannabinoid products, cannabinoid concentrates and cannabinoid extracts is necessary to protect the public health and safety. **A licensed retail facility may register with the Oregon Liquor Control Commission (OLCC) to engage in the same retail license activity for specified medical marijuana purposes, as allowed by the OLCC.**~~

Section 5.050.040(A)(23) would be renumbered (A)(24)

Section 5.050.050 would be renamed Prohibited Uses and would read as follows:

Section 5.050.050 Prohibited Uses

Marijuana production, processing, and wholesaling are prohibited uses in all CBC – Central Business Commercial district.

Section 5.050.050 through 5.050.080 would be renumbered 5.050.060 through 5.050.090, with 5.050.060 being renamed Development Standards and 5.050.090 being renamed Exception to Standards.

CG – General Commercial District

Section 5.060.020(A)(26) would be revised for a new permitted use concerning retail marijuana facilities, which would read as follows:

- 26. Recreational Marijuana Facilities. An application for a retail marijuana facility shall also comply with the following criteria:
 - a) The retail facility must be located more than 500 feet from any RL, RH, or RM Residential District, measured in a straight line from the closest edge of the property

line on which the retail facility is located to the closest edge of the property in the RL, RH, or RM Residential District.

- b) The retail facility must be located more than 1,000 feet from all of the following facilities, measured in a straight line from the closest edge of the property on which the other facility is located:
 - 1. A public elementary or secondary school for which attendance is compulsory under ORS 339.020, or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a).
 - 2. A public library.
 - 3. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.
 - 4. *A licensed daycare facility or licensed preschool existing at the time of the start of the retail facility.*
 - 5. *An established church, including church schools existing at the time of the start of the retail facility.*
 - 6. Any other recreational marijuana retailer registered with the Oregon Liquor Control Commission.
- c) The retail facility must be located in a building and may not be located in an intermodal cargo container, motor vehicle, recreational vehicle or residential trailer. Outdoor storage of merchandise, raw materials, or other material associated with the retail facility is prohibited.
- d) The retail facility shall not have a drive-up use.
- e) The retail facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed in the retail facility's exterior refuse containers.
- f) ~~The retail facility shall be licensed by the Oregon Liquor Control Commission under the State of Oregon's retail facility licensing system under ORS 475B.110 to 475B.125, as now constituted, and meet the requirements of OAR Chapter 845 Division 25 Recreational Marijuana.~~ **facility's license or authority must be in good standing with the Oregon Health Authority or Oregon Liquor Control Commission and the retail facility must comply with all applicable laws and regulations administered by the respective state agency, including, without limitation those rules that relate to labeling, packaging, testing, security, waste management, food handling, and training.**
- g) The hours of operation for the retail facility shall be no earlier than 10:00 AM and no later than 8:00 P.M.
- h) The retail facility must use an air filtration and ventilation system which, to the greatest extent feasible, contains all marijuana-related odors within the facility rather

than allowing such odors to escape outside. Sufficient measures and means of preventing odors, debris, fluids and other substances from exiting the facility must be in effect at all times.

- i) No one under the age of 21 shall be permitted to be present in the building space occupied by a marijuana retailer, except as allowed by state law.
- j) Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by a marijuana retailer. In addition, marijuana retailing shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club.
- k) ~~Subject to the limitations and provisions described in Section 5(4) of Senate Bill 1511 adopted in 2016, a marijuana retailer registered under section 5 of Senate Bill 1511 may sell medical grade cannabinoid products, cannabinoid concentrates and cannabinoid extracts at retail in the same manner that rules adopted under ORS 475B.010 to 475B.395 allow a marijuana retailer to sell general use cannabinoid products, cannabinoid concentrates and cannabinoid extracts at retail, excepting those circumstances where differentiating between the sale of medical grade cannabinoid products, cannabinoid concentrates and cannabinoid extracts and the sale of general use cannabinoid products, cannabinoid concentrates and cannabinoid extracts is necessary to protect the public health and safety.~~ **A licensed retail facility may register with the Oregon Liquor Control Commission (OLCC) to engage in the same retail license activity for specified medical marijuana purposes, as allowed by the OLCC.**

Section 5.060.020(A)(26) would be renumbered (A)(27)

Section 5.060.040 would be renamed Prohibited Uses and would read as follows:

Section 5.060.040 Prohibited Uses

Marijuana production, processing, and wholesaling are prohibited uses in all CG – General Commercial districts.

Section 5.060.050 through 5.060.060 would be renumbered 5.060.060 through 5.060.070, with 5.060.050 being renamed Development Standards and 5.060.070 being renamed Exception to Standards.

CLI – Commercial/Light Industrial District

Section 5.070.020(A)(22) would be revised for a new permitted use concerning retail marijuana facilities, which would read as follows:

- 26. **Recreational Marijuana Facilities.** An application for a retail marijuana facility shall also comply with the following criteria:
 - a) The retail facility must be located more than 500 feet from any RL, RH, or RM Residential District, measured in a straight line from the closest edge of the property line on which the retail facility is located to the closest edge of the property in the RL, RH, or RM Residential District.

- b) The retail facility must be located more than 1,000 feet from all of the following facilities, measured in a straight line from the closest edge of the property on which the other facility is located:
1. A public elementary or secondary school for which attendance is compulsory under ORS 339.020, or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a).
 2. A public library.
 3. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.
 4. *A licensed daycare facility or licensed preschool existing at the time of the start of the retail facility.*
 5. *An established church, including church schools existing at the time of the start of the retail facility.*
 6. Any other recreational marijuana retailer registered with the Oregon Liquor Control Commission.
- c) The retail facility must be located in a building and may not be located in an intermodal cargo container, motor vehicle, recreational vehicle or residential trailer. Outdoor storage of merchandise, raw materials, or other material associated with the retail facility is prohibited.
- d) The retail facility shall not have a drive-up use.
- e) The retail facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed in the retail facility's exterior refuse containers.
- f) ~~The retail facility shall be licensed by the Oregon Liquor Control Commission under the State of Oregon's retail facility licensing system under ORS 475B.110 to 475B.125, as now constituted, and meet the requirements of OAR Chapter 845 Division 25 Recreational Marijuana.~~ **facility's license or authority must be in good standing with the Oregon Health Authority or Oregon Liquor Control Commission and the retail facility must comply with all applicable laws and regulations administered by the respective state agency, including, without limitation those rules that relate to labeling, packaging, testing, security, waste management, food handling, and training.**
- g) The hours of operation for the retail facility shall be no earlier than 10:00 AM and no later than 8:00 P.M.
- h) The retail facility must use an air filtration and ventilation system which, to the greatest extent feasible, contains all marijuana-related odors within the facility rather than allowing such odors to escape outside. Sufficient measures and means of preventing odors, debris, fluids and other substances from exiting the facility must be in effect at all times.

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- i) No one under the age of 21 shall be permitted to be present in the building space occupied by a marijuana retailer, except as allowed by state law.
 - j) Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by a marijuana retailer. In addition, marijuana retailing shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club.
 - k) ~~Subject to the limitations and provisions described in Section 5(4) of Senate Bill 1511 adopted in 2016, a marijuana retailer registered under section 5 of Senate Bill 1511 may sell medical grade cannabinoid products, cannabinoid concentrates and cannabinoid extracts at retail in the same manner that rules adopted under ORS 475B.010 to 475B.395 allow a marijuana retailer to sell general use cannabinoid products, cannabinoid concentrates and cannabinoid extracts at retail, excepting those circumstances where differentiating between the sale of medical grade cannabinoid products, cannabinoid concentrates and cannabinoid extracts and the sale of general use cannabinoid products, cannabinoid concentrates and cannabinoid extracts is necessary to protect the public health and safety. **A licensed retail facility may register with the Oregon Liquor Control Commission (OLCC) to engage in the same retail license activity for specified medical marijuana purposes, as allowed by the OLCC.**~~

Section 5.070.020(A)(22) and subsequent sections would be renumbered (A)(23) and so forth.

Section 5.070.030 Conditional Uses

Section 5.070.030 would be revised by adding a new section B and would read as follows:

B. Marijuana Production, processing, storage, and wholesaling, subject to the following additional provisions:

1. Activity shall occur only in a completely enclosed building. Greenhouses are not allowed.
2. A building used for marijuana production, processing, storage, or wholesaling shall be equipped with a carbon filtration system for odor control.
 - a. The system shall consist of one or more fans and filters.
 - b. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the square footage of the building floor space (i.e., one CFM per square feet of building floor space).
 - c. The filter(s) shall be rated for the required CFM.
 - d. The filtration system shall be maintained in working order and shall be in use.
 - e. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the carbon filtration system otherwise required.

3. The marijuana production, processing, storage, or wholesaling business's state licensing or authority must be in good standing with the Oregon Health Authority or the Oregon Liquor Control Commission

and the business must comply with all applicable rules and regulations administered by the respective state agency, including, without limitation those rules that relate to labeling, packaging, testing, security, waste management, food handling, and training.

Sections 5.070.030 B through F would be renumbered C through G.

CR – Recreational Commercial District

Section 5.080.040 Development Standards would be renamed Prohibited Uses and would read as follows:

Section 5.080.040 Prohibited Uses

Marijuana production, processing, wholesaling and retailing are prohibited uses in all CR – Recreational Commercial districts.

Section 5.080.050 through 5.060.060 would be renumbered 5.080.060 through 5.060.070, with 5.080.050 being renamed Development Standards and 5.080.070 being renamed Exception to Standards.

I – Industrial District

Section 5.090.020(A)(22) would be revised for a new permitted use concerning marijuana facilities, which would read as follows:

22. Marijuana production, processing, storage, and wholesaling. An application for a marijuana production, processing, storage, or wholesaling facility shall also comply with the following criteria:

- a) The facility must be located in a building and may not be located in an intermodal cargo container, motor vehicle, recreational vehicle or residential trailer. Outdoor storage of merchandise, raw materials, or other material associated with the retail facility is prohibited.
- b) The facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed in the facility's exterior refuse containers.
- c) The production or processing facility shall be licensed by the Oregon Liquor Control Commission and comply with the requirements of any applicable administrative rule adopted by the Oregon Liquor Control Commission.
- d) A building used for marijuana production, processing, storage, or wholesaling shall be equipped with a carbon filtration system for odor control.
 1. The system shall consist of one or more fans and filters.
 2. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the square footage of the building floor space (i.e., one CFM per square feet of building floor space).

3. The filter(s) shall be rated for the required CFM.
4. The filtration system shall be maintained in working order and shall be in use.
5. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the carbon filtration system otherwise required.

e) **The marijuana production, processing, storage, or wholesaling business's state licensing or authority must be in good standing with the Oregon Health Authority or the Oregon Liquor Control Commission and the business must comply with all applicable rules and regulations administered by the respective state agency, including, without limitation those rules that relate to labeling, packaging, testing, security, waste management, food handling, and training.**

Section 5.090.020(A)(22) would be renumbered (A)(23).

CFO – Community Facilities Overlay District

Section 5.100.040 Development Standards would be renamed Prohibited Uses and would read as follows:

Section 5.100.040 Prohibited Uses

Marijuana production, processing, wholesaling, and retailing are prohibited uses in all CFO - Community Facilities Overlay zones.

Section 5.100.040 through 5.100.050 would be renumbered 5.100.050 through 5.100.060, with 5.100.050 being renamed Development Standards and 5.100.060 being renamed Master Plans.

P/OS Parks and Open Space District

Section 5.110.050 Development Standards would be renamed Prohibited Uses and would read as follows:

Section 5.110.050 Prohibited Uses

Marijuana production, processing, wholesaling, medical marijuana dispensaries, and retail marijuana facilities are prohibited uses in all P/OS - Parks and Open Space zones.

Section 5.110.050 would be renumbered 5.110.060, with 5.110.060 being renamed Development Standards.

Section 6.020.020(D) - Prohibited Uses. Would be revised to read as follows:

- D. Prohibited Uses. Vehicle sales, vehicle repair, and any use where the vehicle is the focus of the work or is a significant part of the home business is prohibited unless the owner obtains a conditional use permit. Marijuana production, processing, wholesaling, and medical marijuana dispensaries or retail marijuana facilities are prohibited as a home occupation in any zoning district.