

**STAFF REPORT FOR THE PLANNING COMMISSION HEARING
APRIL 2, 2018**

**MARIJUANA BUSINESS SOUND AMENDMENTS
(PC-2017-9804)**

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SECTION 1.0 INTRODUCTION

This Proposal, PC-2017-9804, relates to amending existing sound control provisions within the Marijuana Business regulations applicable in unincorporated Multnomah County.

Nothing in the existing Code or proposed ordinance regulates the personal use of marijuana.

Background

In 2016, Multnomah County adopted Marijuana Business regulations, which established standards for marijuana production, processing, wholesaling, dispensing and retailing in the unincorporated areas of the County (Ordinance 1232). Generally, these provisions identified appropriate base zones for various Marijuana Business activities; established setback, fencing, lighting, odor, and sound control requirements; and established other standards designed to balance business opportunities with the need to protect communities from off-site impacts.

The regulations adopted in 2016 prohibit a Marijuana Business in a Rural Residential (RR) zone from producing sound that is detectable at the property line. Sound generated from a Marijuana Business in other zones must comply with the Multnomah County Sound Control Code (MCC 15.265 – 15.274) administered by the Multnomah County Sheriff's office.

Community members have raised concerns about Marijuana Business sound impacts outside of the Rural Residential zones. More specifically, concerns are often related to the sound of generators and other mechanical equipment used in association with indoor marijuana production. However, although the Sound Control Code regulates heat pumps, air conditioning units, and refrigeration units, it does not expressly regulate generators and certain other mechanical equipment. In addition, the County Sound Control Code generally provides an

exception for agricultural and industrial activities, which includes marijuana production and processing. As a result, the Sound Control Code does not adequately address some of the sound impacts of Marijuana Businesses.

Proposal

This proposal removes reference to the County Sound Control Code and instead extends the sound control standard for Marijuana Businesses in the Rural Residential zone to Marijuana Businesses in all other zones by prohibiting sound detectable at or beyond the property line. The proposal also clarifies that standard, including defining what qualifies as a “detectable” sound. The Multnomah County Land Use Planning Division will implement and enforce the proposed sound control standard for Marijuana Businesses in all zones.

SECTION 2.0 PROPOSED CODE AMENDMENTS

The following text is used within the proposed amendments:

Regular Text = Existing code language. No changes proposed.

Double Underline = Proposed new language

~~Strikethrough~~ = Language proposed for removal

PROPOSED MARIJUANA BUSINESS CODE AMENDMENTS FOR MULTNOMAH COUNTY CODE CHAPTERS 11, 33, 34, 35 AND 36

Staff Note: Marijuana Businesses are prohibited in the Columbia River Gorge National Scenic Area. MCC 38.0025(C). As a result, no changes are proposed to the Marijuana Business provisions in Chapter 38.

- 11.15.9105 Marijuana Business [Urban]**
- 33.0560 Marijuana Business [West Hills]**
- 34.0560 Marijuana Business [Sauvie Island/Multnomah Channel]**
- 35.0560 Marijuana Business [East of Sandy River]**
- 36.0560 Marijuana Business [West of Sandy River]**

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(E) A Marijuana Business is required to meet the criteria referenced in Table A and must comply with the following:

* * *

(4) A Marijuana Business ~~in a Rural Residential (RR) zoning district~~ shall not produce or permit to be produced sound that is detectable at or beyond the property line of the lot or parcel on which the Marijuana Business is located. For purposes of this subsection, a sound is detectable if it can be detected by a reasonable person of ordinary sensitivities using the person's unaided hearing faculties. ~~A Marijuana Business in all other zoning districts shall comply with the county Sound Control Law, MCC 15.265—15.274. A Marijuana Business is not eligible for a variance as prescribed in MCC 15.271 of the county Sound Control Law.~~