

BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. PC 2017-9804

Recommend to the Board of Commissioners the adoption of one or more ordinances amending the provisions of MCC Chapters 11.15, 33, 34, 35, and 36 related to sound control standards for Marijuana Business activities.

The Planning Commission Finds:

- a. The Planning Commission is authorized by Multnomah County Code Chapters 33.0140, 34.0140, 35.0140, 36.0140, 37.0710, and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of Ordinances to amend the County Comprehensive Plan and land use regulations.
- b. 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 regulations 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.
- c. 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.
- d. Community members have raised concerns about Marijuana Business sound impacts outside of the Rural Residential zones.
- e. The proposed ordinance 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 Marijuana Businesses from producing sound detectable at or beyond the property line. The ordinance also clarifies that standard, including defining what qualifies as a "detectable" sound.
- f. The Multnomah County Land Use Planning Division will implement and enforce the proposed sound control standard for Marijuana Businesses in all zones.
- g. Nothing in this proposal *authorizes* any marijuana use or activity. Instead, the nature, extent, scope, and operation of what is referred to in this proposal as "Marijuana Businesses" are authorized and prescribed *solely* by state law and administrative rule. As such, the regulations proposed herein are purposefully limited to the imposition of *restrictions* on the operation of Marijuana Businesses for purposes of protecting and preserving the public health, safety and general welfare of the community. Accordingly, neither this proposal nor any other County act shall be interpreted as authorizing any person to engage in any activity prohibited by law nor shall this

proposal or any other County act be applied in any manner that would authorize any person to engage in any activity prohibited by law.

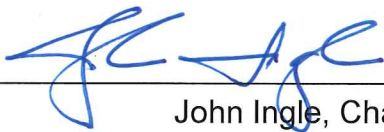
- h. Regulations are being proposed that affect the permissible uses of property. Multnomah County mailed notices of the Planning Commission hearing to individual property owners as required by state law ("Ballot Measure 56 notice"). Notice of the Planning Commission hearing was published in the Oregonian newspaper and on the Land Use Planning Program internet pages. The Planning Commission held a hearing on April 2, 2018 where all interested persons were given an opportunity to appear and be heard.

The Planning Commission resolves:

The proposed Ordinance(s) amending MCC Chapters 11.15, 33, 34, 35, and 36 is hereby recommended for adoption by the Board of County Commissioners in a form substantially similar to that approved by the Planning Commission.

ADOPTED this 2nd day of April, 2018

PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON



John Ingle, Chair