



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: June 21, 2016
Jurisdiction: City of Dayton
Local file no.: LUCA 2016-01
DLCD file no.: 001-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 06/20/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us

DLCD FORM 2



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE	DEPT OF
File No.:	JUN 20 2016
Received:	LAND CONSERVATION AND DEVELOPMENT

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Dayton
 Local file no.: LUC A 2016-01
 Date of adoption: 06-06-16 Date sent: 06-17-16

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 3-10-16

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Laura LaRogue, City Planner
 Phone: 503-588-6177 E-mail: llarogue@mwvcog.org
 Street address: 100 Hight SE, Suite 200 City: Salem OR Zip: 97301

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:
Forest – Acres: Marginal Lands – Acres:
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:
Forest – Acres: Marginal Lands – Acres:
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

*Chapter 7, Land Use of the Dayton Municipal Code
sections 7.1.2 definitions, 7.2.1 - zoning, 7.2.4 - supplemental standards for special uses.*

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from to Acres:
Change from to Acres:
Change from to Acres:
Change from to Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: Acres added: Acres removed:

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts:

None

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

ORDINANCE 633
CITY OF DAYTON, OREGON

An Ordinance Amending Chapter 7 – Dayton Land Use and Development Code to Make Specific Changes regarding Marijuana Regulations and Short-term Rentals.

WHEREAS, the City Council desires to adopt the text amendments to Chapter 7 included in Exhibit 1; and

WHEREAS, the Planning Commission has considered text amendments to Chapter 7 – Dayton Land Use and Development Code (DLUDC) pursuant to DLUDC Section 7.3.112 to make changes to statutes regarding marijuana regulations and short-term rentals; and

WHEREAS, a public hearing was held before the Planning Commission on April 14, 2016; and

WHEREAS, the Planning Commission unanimously recommended that said text amendments be adopted; and

WHEREAS, the City has timely forwarded a copy of the proposed amendments to the Department of Land Conservation and Development of the State of Oregon and provided proper notice pursuant to DLUDC Section 7.3.204; and

WHEREAS, the City Council of the City of Dayton conducted a public hearing to consider changes regarding marijuana regulations and short-term rentals on May 2, 2016; and

WHEREAS, on May 2, 2016, the City Council considered the information provided by staff and deliberated on the proposed action.

The City of Dayton ordains as follows:

Section 1. The City Council hereby adopts Ordinance 633 and the findings in the Staff Report dated April 7, 2016 attached as Exhibit 1; and

Section 2. The City Council adopts the amendments to Chapter 7 of the DLUDC attached as Exhibits A and B to the staff report and incorporated by reference herein; and

Section 3. This Ordinance shall become effective 30 days after adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Dayton on this 6th day of June, 2016.

Mode of Enactment:

Date of first reading: May 2, 2016 by title only.

Date of second reading: June 6, 2016 by title only.

X No Council member present at the meeting requested that the ordinance be read in full.

_____ A copy of the ordinance was provided to each Council member; three copies were provided for public inspection in the office of the City Recorder no later than one week before the first reading of the Ordinance.

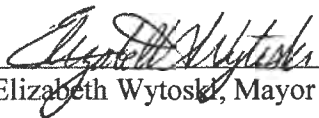
Final Vote:

In Favor: Bixler, Collins, Frank, Marquez, Taylor, Wytoski

Opposed: None

Absent: Price

Abstained: None

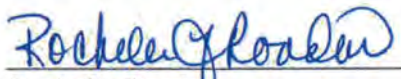


Elizabeth Wytoski, Mayor

6/9/16

Date of Signing

ATTESTED BY:



Rochelle Roaden,
City Recorder

6/6/16

Date of Enactment

CITY OF DAYTON
416 Ferry Street – P. O. Box 339
Dayton, OR 97114-0039
503-864-2221 fax 503-864-2956

**CITY COUNCIL
STAFF REPORT**

HEARING DATE: May 2, 2016
REPORT DATE: April 25, 2016
FILE NUMBER: LUCA-2016-01
APPLICANT: City of Dayton
REQUEST: Amendment to the Dayton Land Use and Development Code (LUDC) to:
1) Allow and regulate short-term rental housing;
2) Adopt reasonable time, place, and manner regulations for marijuana-related uses pursuant to HB 3400.
CRITERIA: **Dayton Land Use and Development Code (LUDC)**
Section 7.3.112 Text Amendments
ATTACHMENTS: Exhibit A – Strike and Underline Short-Term Rental Amendments
Exhibit B – Strike and Underline Marijuana-Related Amendments

I. BACKGROUND

An amendment to the Dayton Land Use and Development Codes is a Type IV (Legislative) action. A Type IV action requires a recommendation from the Planning Commission to the City Council, which makes the final decision. After a public hearing on April 14, 2016, the Dayton Planning Commission voted unanimously to recommend approval of the attached amendments to the City Council.

II. SUMMARY OF PROPOSED AMENDMENTS

Based on direction provided during the November 16, 2015 and February 1, 2016 City Council work sessions, Staff drafted proposed amendments to the Dayton Development Code which reflect broad City Council priorities in regards to short term rentals. The Planning Commission modified the amendments by deleting the Bed and Breakfasts as a listed use in the Development Code. The Planning Commission concluded that the existing Bed and Breakfast use and the proposed Short-Term Rental, Owner-Occupied use are similar enough that keeping both uses was unnecessary. The amendments for short-term rentals recommended by the Planning Commission are presented in Exhibit A.

Staff also drafted proposed amendments reflecting HB 3400 and the changes it made to State law affecting both medical and recreational marijuana. These amendments were left unchanged by the Planning Commission.

Exhibit A – Short Term Rentals

Central to the proposed amendments are new definitions for “Short-Term Rental” and “Owner Occupied Short-Term Rental”. The matrix, below, summarizes the uses that would be permitted in each zone:

Use	R-1	R-2	R-3	CR	C	CBO
Accessory Dwelling Unit	N	SP	N	N	N	N/A
Bed and Breakfast	SP	SP	SP	SP	N	N/A
Hotel/Motel	N	N	N	C	P	N/A
Short-Term Rental	N	N	N	SP	SP	N/A
Owner Occupied Short-Term Rental	SP	SP	SP	SP	SP	N/A

P – Permitted Use, SP – Special Permitted Use (Section 7.2.4), C – Conditional Use, N – Not Permitted

Effectively, regulation of short-term rentals will be folded into existing business registration procedures. Besides definitions for the two types of short-term rentals, no review criteria are proposed, and neither short-term rental use would be subject to land use review or written decision. The proposed process operates outside the traditional Type I – Type IV processes prescribed in the development code.

Exhibit B – Marijuana

Staff recommends creating definitions for four types of marijuana-related uses based on the categories established in HB 3400. From a land use perspective, there is no practical difference between medical and recreational marijuana uses. The proposed definitions create broad use categories that also ensure that marijuana-related uses have (or obtain) OHA or OLCC approval in order to comply with the Dayton Code.

In addition to replacing the “medical marijuana facilities or dispensary” conditional use listed in the C Zone and I Zone with the four new classes/categories of marijuana uses, Staff recommends moving the “additional provisions” (i.e. 1,000’ buffer) from the use section of each zone to Section 7.2.4 Supplemental Standards for Special Uses. Putting all of the standards for marijuana-related uses in their own section should make it much easier to amend development code regulations related to marijuana as the State rules change and/or the City changes its regulatory scheme for marijuana-related uses. Staff recommends amendments based on HB 3400, which includes specific definitions for schools, and removing certain terms that are not clearly defined. For example, broad undefined terms such as “properties where minors congregate”. Overly broad or undefined terms effectively put the burden on Staff to

identify or confirm each property on an ad hoc basis with each marijuana-related application. The lack of objectivity and definition invites legal challenge.

III. STAFF FINDINGS

7.3.112 TEXT AMENDMENTS

7.3.112.03 Criteria for Approval

Amendments to the Comprehensive Plan or Development Code text shall be approved if the evidence can substantiate the following:

- A. *Impact of the proposed amendment on land use and development patterns within the city, as measured by:*
1. *Traffic generation and circulation patterns;*
 2. *Demand for public facilities and services;*
 3. *Level of park and recreation facilities;*
 4. *Economic activities;*
 5. *Protection and use of natural resources;*
 6. *Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvements.*

FINDING: Of the six factors listed above, Staff finds that the proposed amendments will only impact 4. Economic activities:

Exhibit A – Short Term Rentals

The City of Dayton is located within the region experiencing rapid growth in the wine/restaurant/hospitality sector. The City has captured a share of that growth with the development of new buildings, restaurants, and wine-related business. The corresponding growth in the “sharing economy” has created new opportunities for individual property owners to meet the demand for short-term rental housing generated by the increasing number of visitors to the region. However, the City is concerned that the conversion of traditionally longer-term single-family dwellings to short-term rentals could negatively impact neighborhoods and put upward pressure on the affordability of home prices for permanent residents. The approach proposed by the City allows for an increase in short-term rental housing across the City, but protects residential neighborhoods by allowing such housing only in dwellings where the owner also resides and limiting the rental area to three rooms or less.

Exhibit B – Marijuana

The legalization of medical and recreational marijuana by several bills and ballot measures culminating most recently in HB 3400 authorizes the City to implement reasonable time, place, and manner regulations for marijuana-related uses. The City currently allows for general processing, production, wholesaling, and retail uses. The proposed amendments simply subject the marijuana-related subsection of those uses to an additional set of standards intended to mitigate negative impacts on surrounding uses.

B. A demonstrated need exists for the product of the proposed amendment.

FINDING: The City has received multiple inquiries about short-term rentals over the past year. Creating clear definitions which distinguish short-term rentals from hotels, bed and breakfasts, and accessory dwelling units establishes clear and objective standards for where those uses are allowed and how they are regulated. Additionally, as stated above, HB 3400 authorizes the City to implement reasonable time, place, and manner regulations to address the expanding legalization of marijuana.

C. The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements.

FINDING: The State has adopted 19 goals for state and local land use decisions. The proposed amendment complies with the Goals as described below:

Goal 1 Citizen Involvement: Requires that the City develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. Agency and public notice are provided as required by law. Public hearing by the Planning Commission and City Council will be held.

Goal 2 Land Use Planning: Requires that the City establish a land use planning process and policy framework as a basis for all decisions related to the use of land and to assure an adequate factual basis for such decisions. The acknowledged Dayton Land Use and Development Code contains procedures and requirements for facts and findings which are carried out herein.

Goal 3 Agricultural Lands & Goal 4 Forest Lands: Goals 3 and 4 are not applicable. The proposal does not affect consistency with the goal.

Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces: The proposal does not affect consistency with the goal.

Goal 6 Air, Water and Land Resource Quality: The proposal does not affect consistency with the goal.

Goal 7 Natural Hazards: The proposal does not affect consistency with the goal.

Goal 8 Recreation: The proposal does not affect consistency with the goal.

Goal 9 Economic Development: The proposed amendments support economic development as discussed above in Section 7.3.112.03(A).

Goal 10 Housing: The proposed amendments for short-term housing protect the affordability of needed-housing by requiring that short-term rental housing be owner occupied in residential zones.

Goal 11 Public Facilities and Services: The proposal does not affect consistency with the goal.

Goal 12 Transportation: The proposal does not affect consistency with the goal.

Goal 13 Energy Conservation: The proposal does not affect consistency with the goal.

Goal 14 Urbanization: The proposal does not affect consistency with the goal.

Goals 15-19 do not apply within the City of Dayton.

D. The amendment is appropriate as measured by at least one of the following criteria:

- 1. It corrects identified error(s) in the provisions of the plan.*
- 2. It represents a logical implementation of the plan.*
- 3. It is mandated by changes in federal, state, or local law.*
- 4. It is otherwise deemed by the council to be desirable, appropriate, and proper.*

FINDING: As described above, Staff finds that the proposed short-term rental amendments (Exhibit A) support Economy Section, Policy 4: *The City shall encourage, and establish regulations supporting, the location of wineries and their attendant businesses in the community.* Furthermore, the amendments protect neighborhoods and needed housing by creating clear and objective definitions for short-term rentals, and imposing greater restrictions on their implementation in residential zones.

As described above, HB 3400 authorizes the proposed amendments regulating marijuana-related uses.

IV. CONCLUSION & STAFF RECOMMENDATION

The City Council makes the final local decision on the proposed amendments and may adopt such via ordinance. Staff recommends that the City Council adopt the findings in the staff report and approve the proposed amendments to the Dayton Land Use and Development Code as shown in Exhibit A and Exhibit B. Based upon the findings and conclusion above, Staff recommends that the City Council make a motion reflecting Option A, below.

V. CITY COUNCIL OPTIONS

The City Council has the following options regarding the proposed Land Use and Development Code amendments.

- A. Approve the Land Use and Development Code amendments and adopt the findings contained in the staff report.
- B. Approve modified Land Use and Development Code amendments with amended findings.
- C. Deny the Land Use and Development Code amendments with amended findings and conclusions addressing reasons why the proposal fails to comply with the applicable decision criteria.
- D. Continue the hearing, to a date and time certain, if additional information is needed to determine whether applicable standards and criteria are sufficiently addressed.

**EXHIBIT A – Short Term Rentals
May 2, 2016 City Council Hearing**

PROPOSED DEVELOPMENT CODE AMENDMENTS

The following shows language to be added in underline and language to be deleted in ~~strikeout~~.

CHAPTER 7: LAND USE AND DEVELOPMENT CODE

SECTION 7.1.2 - DEFINITIONS

7.1.200 DEFINITIONS

7.1.200.03 Definitions.

The following words and phrases, when used in this Code, shall have the meanings ascribed to them in this Section:

Accessory ~~Residential Housing~~Dwelling Unit: ~~A detached subordinate-dwelling unit with its own independent living facilities, the use of which is residential and incidental-subordinate to the main building primary dwelling and is used as a dwelling or living quarters located on the same parcel or lot.~~ A detached subordinate-dwelling unit with its own independent living facilities, the use of which is residential and incidental-subordinate to the main building primary dwelling and is used as a dwelling or living quarters located on the same parcel or lot.

~~**Bed and Breakfast:** A facility providing overnight accommodations, with limited services and amenities, and serving a single meal, usually breakfast.~~

Dwelling Unit: One or more rooms designed for occupancy by one family.

Hotel/Motel: A commercial building offering lodging to transients for compensation and not designed primarily for residential use.

Short-Term Rental: The use of a dwelling unit by any person or group of persons entitled to occupy for rent for a period of less than 30 consecutive days. Short-Term Rentals do not include Bed and Breakfasts or Hotels/Motels.

Short-Term Rental, Owner-Occupied: A single or two-family dwelling where the owner resides and rents no more than three guest rooms in a single dwelling to overnight guests for a period less than 30 consecutive days. The owner occupies the primary dwelling during the overnight rental period. The room(s) for rent may include rooms within an accessory dwelling unit or attached duplex.

SECTION 7.2.1 - LAND USE ZONING

7.2.102 SINGLE FAMILY RESIDENTIAL - (R-1)

7.2.102.03 Special Permitted Uses

The following uses, when developed under the applicable standards in this Code and special development requirements, are permitted in the R-1 zone:

E. The following uses, subject to the applicable standards in Section 7.2.4:

1. Manufactured homes on individual lots (Section 7.2.404)
2. Home occupations (Section 7.2.406).

~~3. Bed and breakfast establishments (Section 7.2.407). (Added ORD 619, Adopted 09/02/14)~~

43. Owner occupied short-term rentals (Section 7.2.417).

7.2.103 LIMITED DENSITY RESIDENTIAL - (R-2)

7.2.103.03 Special Permitted Uses

The following uses, when developed under the applicable standards in the Code and special development requirements, are permitted in the R-2 zone:

D. The following uses, subject to the applicable standards in Section 7.2.4:

1. Accessory ~~residential housing~~dwelling unit (Section 7.2.402).
2. Attached dwelling units (Section 7.2.403).
3. Manufactured homes on individual lots (Section 7.2.404).
4. Manufactured home parks (Section 7.2.405).
5. Home occupations (Section 7.2.406).

~~6. Bed and breakfast establishments. (Section 7.2.407). (Added ORD 619, Adopted 09/02/14)~~

76. Owner occupied short-term rentals (Section 7.2.417).

7.2.104 MEDIUM DENSITY RESIDENTIAL (R-3)

7.2.104.03 Special Permitted Uses

The following uses, when developed under the applicable standards in the Code and special development requirements, are permitted in the RM zone:

D. The following uses subject to the applicable standards in Section 7.2.4:

1. Manufactured home parks (Section 7.2.405).

2. Home occupations (Section 7.2.406).

~~3. Bed and breakfast establishments (Section 7.2.407). (Added ORD 619, Adopted 09/02/14)~~

43. Owner occupied short-term rentals (Section 7.2.417).

7.2.105 COMMERCIAL RESIDENTIAL ZONE (CR)

7.2.105.03 Special Permitted Uses

The following uses, when developed under the applicable standards in the Code and special development requirements, are permitted in the CR zone:

D. The following uses subject to the applicable standards in Section 7.2.4:

1. Attached dwelling units (Section 7.2.403).

2. Manufactured homes on individual lots (Section 7.2.404).

3. Home occupations (Section 7.2.406).

~~4. Bed and breakfast establishments (Section 7.2.407).~~

54. Owner occupied short-term rentals (Section 7.2.417).

65. Short-term rentals (Section 7.2.417).

7.2.106 COMMERCIAL (C)

7.2.106.03 Special Permitted Uses

The following uses, when developed under the applicable standards in the Code and special development requirements, are permitted in the C zone:

D. The following uses subject to the applicable standards in Section 7.2.4:

1. Home occupations (Section 7.2.406).

2. RV Parks (Section 7.2.408).

3. Owner occupied short-term rentals (Section 7.2.417).

4. Short-term rentals (Section 7.2.417).

SECTION 7.2.4
SUPPLEMENTAL STANDARDS FOR SPECIAL USES

7.2.401 GENERAL PROVISIONS

- A. Application. Special uses are subject to specific development standards. These standards are non-discretionary so that special review of a proposed development is not required. The standards contained in this Section apply where a special use is identified as a permitted use. If the special use is listed as a conditional use, the standards contained in this Section shall be considered guidelines and may be modified or eliminated. The special use standards do not automatically apply unless the subsection number is referenced following the use title (e.g. Manufactured Home Park, Section 7.2.405).
- B. Development Requirements. Unless specifically modified by the provisions of this Section, special uses are still subject to the development requirements of the underlying zone. Where the special use standard imposes a standard higher, the special use standard shall apply.

7.2.402 ACCESSORY ~~RESIDENTIAL HOUSING~~DWELLING UNIT

Where permitted as a special use, an accessory residential housing dwelling unit shall meet the following use and development standards:

- A. Location. The accessory residence dwelling unit shall be located within the side or rear yard and physically separated from the primary residence by a minimum distance of 6 feet. A covered walkway, which contains no habitable space, may connect the two buildings without violation of the setback requirements.
- B. Design. The accessory residence dwelling unit must be residential in character with an exterior finish similar to the primary residence. A separate address shall be required for each residence.
- C. Area. The accessory residence dwelling unit shall contain the lesser of 25% of the floor area of the primary residence or 750 square feet.
- D. Setbacks. The minimum rear yard setback shall be 10 feet; the minimum side yard setback shall 5 feet.
- E. Height. The maximum height shall be 25 feet but in no case shall the height exceed the height of the primary residence.

~~7.2.407~~ BED AND BREAKFAST ESTABLISHMENT

Where permitted as a special use, Bed and Breakfast establishments shall meet the following use and development standards:

- A. Rooms. The maximum number of guest rooms shall be 4 for homes within the R-1 zone and 6 for homes in other zones.
- B. Owner Occupancy. The property owner or manager shall reside on the property.
- C. Signage. Signs are limited to 12 square feet per sign with a maximum total sign area of

~~24 square feet per establishment. No more than two on-premise signs shall be permitted per establishment. Illumination of signage is limited to external and indirect lighting. Internal illumination, fluorescent, neon or LED, rotating, flashing or intermittent signs shall be prohibited. (Amended ORD 619 Effective 10/02/14)~~

~~D. Parking. Off-street parking for the guest rooms shall be screened from adjacent property by a 6-foot high sight-obscuring fence or hedge.~~

7.2.416 MARIJUANA-RELATED USES PLACEHOLDER [SEE EXHIBIT B]

7.2.417 SHORT-TERM RENTALS

7.2.417.01 No person shall occupy, use, operate, nor offer or negotiate to use, lease, or rent a dwelling unit as a short-term rental unless the requirements of this section have been met.

A. Business Registration. The owner of a short-term rental shall register with the City and pay the associated registration fee as provided in Section 3.3 of the Dayton Municipal Code. The ability to operate a short-term rental in the City of Dayton shall be discontinued for failure to obtain or renew a license to operate as provided in this section. The registration or lodging tax identification number issued by the City shall be displayed in all marketing materials advertising the short-term rental.

B. Additional Submittal Requirements. The following information shall be submitted along with the business registration on a form approved by the City.

1. The name, address, email address and telephone number of the property owner. An application may be submitted by an owner and contract purchaser as the applicant and upon written request, the approval will be granted to both the owner and the buyer.

2. A floor plan of the short-term rental identifying the number of bedrooms proposed for use.

3. Acknowledgment by signature that the owner (and contract purchaser) have read all the regulations relating to the operation of a short-term rental under Section 7.2.417 and 7.1.200.03.

C. Transient Lodging Tax. The owner of a short-term rental shall comply with the transient lodging tax provisions of Section 3.8 of the Dayton Municipal Code.

D. Occupancy. The maximum occupancy for the dwelling unit shall be two persons per bedroom plus two additional persons. For example, a two-bedroom dwelling would have a maximum occupancy of six persons.

E. Prohibited Use. No recreational vehicle, travel trailer, tent, or other temporary shelter shall be used in conjunction with the short-term rental.

7.2.417.02 Owner occupied short-term rentals are permitted in the applicable zone, subject to the requirements for the appropriate dwelling type and the requirements in Section 7.2.417. Establishment of a short-term rental under the provisions of this section shall not constitute a land use action.

EXHIBIT B – Marijuana (HB 3400)
Proposed Amendments to the Dayton Development Code
May 2, 2016 City Council Hearing

PROPOSED DEVELOPMENT CODE AMENDMENTS

The following shows language to be added in underline and language to be deleted in ~~strikeout~~.

CHAPTER 7: LAND USE AND DEVELOPMENT CODE

SECTION 7.1.2 - DEFINITIONS

7.1.200 DEFINITIONS

7.1.200.03 Definitions.

The following words and phrases, when used in this Code, shall have the meanings ascribed to them in this Section:

Cannabinoid: Any of the chemical compounds that are the active constituents of marijuana.

Cannabinoid Concentrate: A substance obtained by separating cannabinoids from marijuana by a mechanical extraction process; a chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol, or ethanol; a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure of any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.

Cannabinoid Edible: Food or potable liquid into which a cannabinoid concentrate, cannabinoid extract, or dried marijuana leaves or flowers have been incorporated.

Cannabinoid Extract: A substance obtained by separating cannabinoids from marijuana by a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane, or propane; a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure; or any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.

Cannabinoid Product: A cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair, that contains cannabinoids or dried marijuana leaves or flowers. Cannabinoid product does not include usable marijuana itself, a cannabinoid concentrate by itself, or industrial hemp as defined in Oregon Revised Statutes 571.300.

Medical Marijuana Facility or Dispensary: A facility or dispensary registered by the Oregon Health Authority under ORS 475.300 to 475.346 that is authorized to receive from a registered marijuana grow site and to transfer to a registered identification holder and designated primary caregivers usable marijuana and immature plants. (Added ORD 619, Adopted 09/02/14)

Marijuana Processor: Facility for processing, compounding, or converting of marijuana into cannabinoid products, cannabinoid concentrates, or cannabinoid extracts provided that the marijuana processor is registered by the Oregon Health Authority or licensed by the Oregon Liquor Control Commission.

Marijuana Producer: Facility for planting, cultivating, growing, trimming, harvesting, or drying of marijuana provided that the marijuana producer is registered by the Oregon Health Authority or licensed by the Oregon Liquor Control Commission.

Marijuana-Related Use(s): Marijuana Processor, Marijuana Producer, Marijuana Retailer, Marijuana Testing Laboratory, and Marijuana Wholesaler.

Marijuana Retailer: Facility for sale of marijuana and related products to a consumer that is licensed by the Oregon Liquor Control Commission. Also, location of a medical marijuana dispensary that is registered by the Oregon Health Authority.

Marijuana Testing Laboratory: Facility for testing of marijuana items that is licensed by the Oregon Liquor Control Commission.

Marijuana Wholesaler: Facility for resale of marijuana and related products to a person other than a consumer that is licensed by the Oregon Liquor Control Commission.

CHAPTER 7: LAND USE AND DEVELOPMENT CODE

SECTION 7.2.1 - LAND USE ZONING

7.2.106 COMMERCIAL (C)

7.2.106.04. Conditional Uses: *(Amended ORD 583, Effective 9/6/07)*

The following uses require a Conditional Use Permit:

- A. Automobile service station, including towing service and vehicle washing and polishing facilities, and services.
- B. Automobile, truck, motorcycle, trailer, agricultural equipment, recreational vehicle and boat sales, lease and rentals.
- C. Tractor, farm equipment, heavy construction equipment, and logging equipment, rental, sales and service.
- D. Vehicle repair and maintenance, including electric motor repair, paint and body shop, tire recapping and similar automotive repair facilities.
- E. Part and accessory sales for automobiles, trucks, motorcycles, trailers, agricultural equipment, recreational vehicles and boats, including retail tire sales; but, specifically prohibiting junk yards, wrecking yards, or auto salvage and restoration yards.
- F. Laundry or dry cleaning.
- G. Warehouse for short term storage, including mini-warehouse.
- H. Lumber yard and contracting supplies for lumber, stone, masonry or metal.
- I. Special trade contracting facilities such as; floor laying, building equipment, masonry and stone, plumbing, electrical, metal work or painting.
- J. Cabinet shop where activities are conducted wholly within a building.
- K. Welding and blacksmith shop.
- L. Mortuary
- M. Small-scale manufacturing businesses conforming to requirements in Section 7.2.411. *(Amended ORD 583, Effective 9/6/07)*
- N. Park and Ride Lot: Parking spaces cannot count as required parking or be used for vehicle storage. *(Amended 4/2/09, Ordinance #589)*
- O. Wireless Communication Facility, subject to the provisions in Section 7.2.412. *(Added ORD 608 effective 10/06/11)*
- M. ~~Medical marijuana facilities or dispensary as defined in Chapter 7.1.200, restricted under ORS 475.314 and located more than 1000 feet from properties where minors congregate, including but not limited to public or private daycares, elementary, or secondary schools attended primarily by minors, public library, public park, recreation center or facility,~~

~~playgrounds and athletic fields, and public transit centers. The distance shall be measured in a straight line from the closest edge of each property. (Added ORD 619, Adopted 09/02/14)~~ Marijuana Producers, Marijuana Processers, Marijuana Wholesalers, and Marijuana Retailers, subject to the provisions in Section 7.2.416.

7.2.107 INDUSTRIAL (I)

7.2.107.04 Conditional Uses

The following uses shall require a Conditional Use permit:

- A. Recycling depots, excluding composting.
- B. Wrecking, demolition, junk yards.
- C. Battery manufacture, sales and service.
- D. Petroleum products storage and distribution, including asphalt plants.
- E. Feed and seed facilities, grain elevators and storage; including agricultural chemical, fertilizer, insecticide storage and distribution
- F. Chemical manufacturing including agricultural chemicals, fertilizers and insecticides.
- G. Manufacture of primary and secondary wood products, including sawmills, paper and allied products.
- H. Auction yard.
- I. Park and Ride Lot: Parking spaces cannot count as required parking or be used for vehicle storage. *(Added Ordinance 589, Effective 3/2/09)*
- J. All uses not specifically identified as a permitted use in, or specifically excluded from, Section 7.2.107.02 or Section 7.2.107.03 may be established by a conditional use permit. *(Added Ordinance 589, Effective 3/2/09)*
- K. Wireless Communication Facility, subject to the provisions in Section 7.2.412. *(Amended ORD 608 effective 10/06/11)*
- L. ~~Medical Marijuana facilities or dispensary as defined in Chapter 7.1.200, restricted under ORS 475.314 and located more than 1000 feet from properties where minors congregate, including but not limited to public or private daycares, elementary, or secondary schools attended primarily by minors, public library, public park, recreation center or facility, playgrounds and athletic fields, and public transit centers. The distance shall be measured in a straight line from the closest edge of each property. (Added ORD 619, Adopted 09/02/14)~~ Marijuana Producers, Marijuana Processers, Marijuana Wholesalers, and Marijuana Retailers, subject to the provisions in Section 7.2.416.

TITLE 7: LAND USE AND DEVELOPMENT CODE
SECTION 7.2.4
SUPPLEMENTAL STANDARDS FOR SPECIAL USES

7.2.401 GENERAL PROVISIONS

- A. Application. Special uses are subject to specific development standards. These standards are non-discretionary so that special review of a proposed development is not required. The standards contained in this Section apply where a special use is identified as a permitted use. If the special use is listed as a conditional use, the standards contained in this Section shall be considered guidelines and may be modified or eliminated. The special use standards do not automatically apply unless the subsection number is referenced following the use title (e.g. Manufactured Home Park, Section 7.2.405).
- B. Development Requirements. Unless specifically modified by the provisions of this Section, special uses are still subject to the development requirements of the underlying zone. Where the special use standard imposes a standard higher, the special use standard shall apply.

7.2.416 MARIJUANA-RELATED USES

7.2.416.01 Standards. Marijuana Producers, Marijuana Processors, Marijuana Testing Laboratories, Marijuana Wholesalers, and Marijuana Retailers shall comply with the following standards:

- A. Conflicting Uses. No marijuana-related use shall be permitted within 1,000 feet of real property containing any of the following uses:
1. Public elementary or secondary school for which attendance is compulsory under ORS 339.020; and
 2. Private or parochial elementary or secondary school, teaching children as described under ORS 339.030; and
 3. Public library; and
 4. Public park; and
 5. Preschools licensed by the State of Oregon
- The distance between conflicting uses shall be measured in a straight line from the closest edge of each property, including any parking lot appurtenant thereto.
- B. If a conflicting use described in (A) is established within 1,000 feet of a legally established marijuana-related use, the marijuana-related use may remain at that location.
- C. Marijuana Retailers shall not operate except between the hours of 10:00am and 7:00pm.
- D. Marijuana-related uses shall be located entirely within a permanent building and shall not include drive-through facilities. Outdoor storage of marijuana or marijuana items is prohibited.
- E. Marijuana-related uses shall at all times be registered in good standing with the Oregon Health Authority (OHA) or licensed in good standing with the Oregon Liquor Control Commission (OLCC).
- F. The cultivation of marijuana for personal use, as permitted by State law, is exempt from the provisions of this section.

CITY OF DAYTON

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Dayton, Oregon 97114



DEPT OF

JUN 20 2016

LAND CONSERVATION
AND DEVELOPMENT

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