

CITY OF PENDLETON PLANNING COMMISSION
Conditional Use Staff Report and Recommendation



File No.: CUP17-04
Deemed Complete: April 13, 2017
Prepared by:
Date: May 2, 2017
Hearing Date: May 11, 2017
120-Day Limit: August 11, 2017

Applicant(s) **Bryson Thurman**
 34 SW Emigrant Avenue
 Pendleton, OR 97801

Owner(s): **Bryson Thurman**
 34 SW Emigrant Avenue
 Pendleton, OR 97801

Site Location: 1616 SE Court Ave, Pendleton
Description: Tax Lot 002800, 03200, 03300,
 Map 2N-32-11AA

Zoning: C-3 Service Commercial

Proposal: Conditional use request to operate a recreational marijuana retail store.

Attachments: Application and supplemental materials



SUMMARY:

Applicant requests the Planning Commission consider a conditional use to operate a recreational marijuana retail store. The retail store will occupy approximately 2000 square feet of a newly constructed structure. The land is terraced parking lots and a vacant lot.

HOW QUASI-JUDICIAL HEARING DECISIONS ARE MADE

An application is made by a person of the public. Reasons are provided by the applicant to support their request. The local government agent responsible writes a report comparing said application and reasons with the current, adopted code. The code represents the rules approved by the general public. Testimony from other government agencies and departments is requested. Testimony from the public is requested through a notice. The hearing is held and chaired by a decision body of the local people that willingly choose to uphold the local code. Testimony is given by the local people at the hearing, in front of this body. If this body cannot find a sound reason to approve the application, or a method of imposing conditions so that it meets the local code; then the body must deny the application. They will make findings to support how the application does or does not meet local code. They will make a conclusion based on those findings. They will make a motion to approve, approve with conditions, or deny the application. The decision is supposed to be based on how the application meets the local code.

COMMISSION FINDINGS:

FINDINGS: the act of discovery by a person; something ascertained

The Commission must make findings regarding this application, taking into consideration testimony received between the time this report is written and the hearing held, including the Commission's own personal knowledge and expertise in the subject matter. An example: The quick brown fox jumped over the four lazy dogs. Findings: there were four dogs. The fox was quicker than the dogs. The fox was brown. The four dogs were lazy.

COMMISSION CONCLUSIONS:

CONCLUSION: the summing up of the points or decision reached

The Commission must make a conclusion regarding all findings respecting this application. An example from above. Conclusion: The quick brown fox outwitted the four dogs because they were lazy.

APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:**Unified Development Code No. 3845**

Article IV. Commercial Zones Section 4.03 C-3 Service Commercial

Article XI. Zoning and Related Decisions Section 11.06 Conditional Uses

Article XIII. Land Use Application Procedure

STAFF RECOMMENDED CONDITIONS:

1. Standard Conditions listed with final decision.
2. Entrance and exiting off this site shall be limited to the driveways fronting SE 16th Street and/or SE 17th Street.
3. The owner shall provide a carbon filtration system to reduce the odor of marijuana into the exterior air of the site.
4. All merchandise stored outside of the primary facility shall be placed within an enclosure.

NON-DISCRETIONARY CONDITIONS OF APPROVAL

1. All marijuana dispensaries/retailers shall meet the general provisions and limitations for dispensaries or retailers as defined by OLCC and City Ordinance 3902.
2. Operation of any retail marijuana business shall meet OLCC approval prior to issuance of a business license.
3. A marijuana Business License shall be obtained prior to and maintained for the duration the retail marijuana business is in operation.
4. A replat removing all interior lot lines shall be recorded prior to occupancy.
5. Construction of a structure to operate a retail business shall meet Building Codes and ADA compliance to the level required by Building Codes.
6. The owner shall provide a screened area for the disposal of waste, a dumpster area, at this site.
7. At least 1 bicycle space shall be provided on-site before opening for business.
8. The owner shall install driveway aprons meeting full compliance with city standards for any driveway that does not currently meet this standard.
9. Address shall be changed to reflect entrance off SE 16th Street for emergency response data.
10. The owner shall provide a city standard compliant parking lot with at least 8 designated parking spaces.
11. A consent for participation in a Local Improvement District (LID) for the construction of SE 16th Street and SE 17th Street to city standards (street, sidewalk, curb, gutter) shall be signed prior to building permit issuance.
12. A minimum of 320 square feet of landscaping, live vegetation of shrubs, flowers, trees, and decorative grasses, shall be planted and maintained within the lot and/or along the frontages of the lot. Trees may be used as a substitute, with one tree for every 100 square feet of landscaping. Applicant shall consult with Parks Director Cook to determine best shade tree given desired placement on the lot.
13. An utility easement of 20 feet shall be recorded over the public storm water line within the subject property.
14. All parking lot lighting shall be shielded and directed away from surrounding properties.

15. The approval granted herein is limited to those items specifically addressed in this report. Approval of this request does not grant nor imply approval for any other land use action (variance, conditional use, etc.). Issues including, but not limited to (approval of) such non-discretionary matters as ROW improvements, floodplain development standards, impervious surface/storm water runoff, Development Permit(s), Building Permits and/or construction, are likewise not addressed.
16. The applicant bears the burden of proof for all approvals. Should an appeal arise, the applicant shall be responsible for all costs pursuant to the standards and limitations contained in §13.06 of the UDC.
17. Approval of a land use action shall be void after two (2) years pursuant to the standards contained in §15.07 of the UDC. Pursuant to §15.08 of the UDC, the Planning Director may extend a permit for one additional period of two (2) years upon written request.

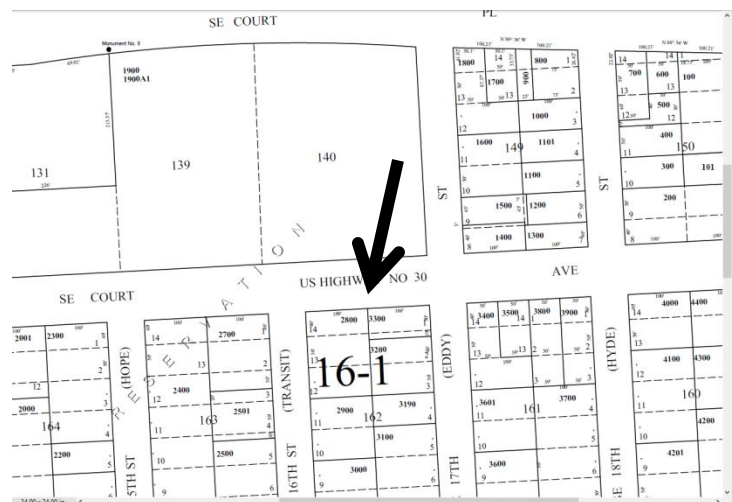
FINAL DECISION: PAGE 7-9

The proposed development must comply with applicable provisions contained in Chapter 10 of the General Ordinances of the City of Pendleton, and the City of Pendleton Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the General Ordinances it is considered consistent with the Comprehensive Plan. Additional criteria and standards as contained in Oregon Revised Statutes (ORS), Oregon Administrative Rules (OAR) and the most current State Building or Specialty Code may supersede local code.

STAFF FINDINGS OF FACT:

1. APPLICABLE CRITERIA AND STANDARDS:

The specific criteria applicable to this request are contained in Article IV of the Pendleton Unified Development Code (UDC; Ord. No. 3845), which contains the standards for commercial uses within the Service Commercial zone. The criteria for approval of a Conditional Use are contained in Article XIII; the procedure for a Type III land use action, Section 13.04. The full text of the UDC is available on the Planning Department page of the City of Pendleton web site. Additional criteria and standards contained in Oregon Revised Statutes (ORS), and the most current State Building or Specialty code may supersede local code.



2. ZONING:

ZONING – UDC SECTION 4.03

Uses allowed within the Service Commercial Use (C-3) zone are retail, business, government and repair garage uses. Service Commercial Use allows for the location of medical marijuana dispensaries and recreational marijuana retailers provided they meet the general provisions and limitations for marijuana dispensaries or retailers. Surrounding neighborhood exhibits residential dwellings, office buildings, hotels, a church, and apartment complexes. The General Provisions require retail sales to satisfy City Ordinance 3902 and State law. A conditional use permit is required for all medical and/or recreational marijuana retailers in the C-3 zone. If a marijuana retailer opens a storefront in an allowed location, but is then found to be disallowed, the marijuana retailer is allowed to continue to do so under the non-conforming regulations. Limitations on location for marijuana retailers are:

- a. Cannot be located at same address as a registered grow site.

- b. Cannot locate within 1,000 feet of real property occupied by public or private elementary, secondary, or career schools attended primarily by minors.
- c. Cannot locate within 1,000 feet of real property comprising a public park or community recreation facility attended primarily by minors.
- d. Cannot locate within 1,000 feet of another medical marijuana dispensary or recreational marijuana retailer.

FINDINGS:

1. The proposal is to operate a retail business within the C-3 zone. Retail businesses are an allowable use within the C-3, Service Commercial Use, zone.
2. The use requires compliance to State law and approval at the State level.
3. A conditional use permit is required at the City level for the proposed use, recreational marijuana retail. The applicant submitted a conditional use application on March 28, 2017.
4. A recreational marijuana retailer cannot locate where a licensed grow site is in operation. There is no licensed marijuana grow site at this location.
5. A recreational marijuana retailer cannot locate within 1,000 feet of real property occupied by public or private elementary, secondary, or career schools attended primarily by minors. This site has been determined by Staff to be more than 1,000 feet from real property occupied by public or private elementary, secondary, or career schools attended primarily by minors.
6. A recreational marijuana retailer cannot locate within 1,000 feet of real property comprising a public park or public community recreation facility attended primarily by minors. This site has been determined by Staff to be more than 1,000 feet from real property comprising a public park or public community recreation facility attended primarily by minors.
7. The surrounding uses are comprised of residential dwellings, office buildings, apartment complexes, a church, and hotels. These uses do not qualify as a public community recreation facility.
8. A recreational marijuana retailer cannot locate within 1,000 feet of another medical or recreational marijuana retailer. The exact language of the ordinance is quoted in this staff report. The term “real property” is not used regarding this limitation. Staff has determined that, as of March 28, 2017, this location is more than 1,000 feet from any other application received by the Commission for this use.

CONCLUSION: Conditions are required to meet criteria.

3. CONDITIONAL USE CRITERIA:

ZONING AND RELATED DECISIONS – ARTICLE XI UDC

Article XI – UDC. Pre-application conferences are encouraged for land use actions. A Development Permit is required for all land use actions prior to operation, placement, installation, or construction of any structure or use. Dependent upon the land use action, a transportation impact study may be required to determine the traffic impact the proposed use will have on the neighborhood and City as a whole. The Commission must review conditional use requests against these criteria to determine if the proposal will have complimentary or negative impacts to the surrounding area or City as a whole.

Applicant’s Statements:

Adequate Site Size: The space includes 3 tax lots 2 of which are parking lots and one is a empty dirt lot,

where a house once was. We would use half of the bottom parking lot to build the store, the other half would remain for parking with excess parking in the lot above.

Adequate Traffic Relations: 16th Street would be used for an entrance/exit for our parking lots. If there needed to be more parking, we would turn the dirt lot into extra parking spaces. 16th Street and the cross road Court street are more than adequate in size to handle traffic generated by our store.

Mitigation of Negative Impacts: Any smells will be eliminated by an air filtration system. All ID's will be checked at the door and again before purchases.

Preservation of Historic, Scenic or Cultural Resources: We plan on having a nice building with western accents. We will improve and maintain the landscaping that is on the property.

The Planning Commission may impose, in addition to regulations and standards expressly specified in this ordinance, other conditions found necessary to protect the best interests of the surrounding property or neighborhood, or the City as a whole. These conditions may include, but not be limited to, the following:

- A. Increasing required lot size, yard dimensions, open spaces or buffer areas.
- B. Requiring fences, walls or landscape screening and/or buffering where necessary to reduce noise, glare and maintain the property in a character in keeping with the surrounding area.
- C. Requiring landscaping and maintenance thereof.
- D. Increasing street widths, controlling the location and number of vehicular access points to the property for ingress/egress.
- E. Requiring means of pedestrian/bicycle access pathways to serve the property.
- F. Increasing the number of off-street parking and loading spaces required; surfacing and proper drainage of parking areas.
- G. Limiting size, location and number of signs.
- H. Limiting the location, coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property.
- I. Limiting or prohibiting openings in sides of buildings or structures.
- J. Enclosure of storage areas and limitation of outside display and/or storage of merchandise.
- K. Requiring maintenance of grounds.
- L. Regulation of noise, vibration, odors, etc.
- M. Regulation of time for certain activities.
- N. Establishing a time period within which the proposed use shall be developed.
- O. The requirement of a bond for removal of such use within a specified period of time.
- P. Increase the size, type or capacity of any or all utility services, facilities or appurtenances.
- Q. Requirements under which any future enlargement or alteration of the use shall be reviewed by the Planning Commission and new conditions imposed.
- R. The Planning Commission may require that an applicant furnish the City a performance bond with a contractual agreement to assure its share of the development of streets, curbs, gutters, sidewalks, water, sanitary sewers, storm sewers or other necessary and essential public improvements to City standards; or an irrevocable consent to participate in an LID for those improvements has been executed.
- S. And such other conditions as will make possible the development of the City in an orderly and efficient manner and in conformity with the intent and purposes set forth in this Section.

Variations to the Code may not be granted through Conditional Use applications. A variance requires a separate action by both the applicant and the Planning Commission.

FINDINGS:

- A. Site is Adequate in Size and Shape:** The applicant attended a Pre-Conference meeting. Site issues involved ADA parking, storm water drainage, the public storm water line, interior lot lines, parking, utility connections, and an address change. Staff has reviewed the site plan. Staff found the lot adequate in size with respect to the placement of the structure, the number of required parking spaces (8 +1 bicycle), provided the three lots are combined into one lot, the structure is moved off the SE 17th Street property line, and an easement is recorded for the public storm water line. The public storm water line may require alteration to accommodate the structure; however, the applicant accepts this possibility at his expense.
- B. Site Relates Well to Streets and Highways:** the site fronts an arterial street and two minor streets. SW Court Avenue serves as an urban arterial that collects traffic from the surrounding streets, directing high volume traffic to other areas of the City. The site will exhibit two parking lots, both accessed off SW 16th Street. Pedestrian access is accessible off SW Court Avenue. The proposed use anticipates 100-200 visitors daily. The site is two corner lots that will pull traffic off an arterial street onto a minor street. If Fire Station #1 is relocated to this same area, a traffic signal on SW Court Avenue will control the level of traffic.
- C. Negative Impacts Mitigation:** Staff found that the site development may have a negative impact on a public storm water line. This storm water line has the potential, at the applicant's expense, of being relocated, which would negate the impact. The dumpster location is within the parking lot. A sight-obscuring fence around the dumpster is a non-discretionary requirement. Parking lot lights are required to be shielded and directed away from surrounding properties. No public testimony has been received regarding this location and its proximity to residential uses.
- D. Historic, Scenic, or Cultural Preservation:** the site is not known to exhibit any historic, scenic, or cultural resources or attributes. The site is comprised of vacant lots.

CONCLUSION: Conditions are required to meet criteria: public storm water line, dumpster, lighting.

4. PUBLIC NOTICE AND COMMENTS:

On April 13, 2017, staff sent out 15 notices to the neighboring property owners within 250 feet of this proposal. This application requires a public hearing; the appeal period is 14 days from the Planning Commission decision. Hearing date for this proposal is May 11, 2017.

FINDINGS:

1. The applicant has submitted a conditional use application for the operation of a marijuana business.
2. A public hearing has been scheduled for May 11, 2017 on this matter.
3. The Commission must determine if the criteria for a conditional use have been met.

CONCLUSION: The Planning Commission must determine if this application for a marijuana business at this location meets the conditional use criteria.

5. APPLICATION OF THE CRITERIA:

SUMMARY FINDINGS:

- The proposal is to operate a retail business within the C-3 zone. Retail businesses are an allowable use within the C-3, Service Commercial Use, zone.
- The use requires compliance to State law and approval at the State level.
- A conditional use permit is required at the City level for the proposed use, recreational marijuana retail. The applicant submitted a conditional use application on March 28, 2017.
- A recreational marijuana retailer cannot locate where a licensed grow site is in operation. There is no licensed marijuana grow site at this location.
- A recreational marijuana retailer cannot locate within 1,000 feet of real property occupied by public or private elementary, secondary, or career schools attended primarily by minors. This site has been determined by Staff to be more than 1,000 feet from real property occupied by public or private elementary, secondary, or career schools attended primarily by minors.
- A recreational marijuana retailer cannot locate within 1,000 feet of real property comprising a public park or public community recreation facility attended primarily by minors. This site has been determined by Staff to be more than 1,000 feet from real property comprising a public park or public community recreation facility attended primarily by minors.
- The surrounding uses are comprised of residential dwellings, office buildings, apartment complexes, a church, and hotels. These uses do not qualify as a public community recreational facility.
- A recreational marijuana retailer cannot locate within 1,000 feet of another medical or recreational marijuana retailer. The exact language of the ordinance is quoted in this staff report. The term “real property” is not used regarding this limitation. Staff has determined that, as of March 28, 2017, this location is more than 1,000 feet from any other application received by the Commission for this use.
- **Site is Adequate in Size and Shape:** The applicant attended a Pre-Conference meeting. Site issues involved ADA parking, storm water drainage, the public storm water line, interior lot lines, parking, utility connections, and an address change. Staff has reviewed the site plan. Staff found the lot adequate in size with respect to the placement of the structure, the number of required parking spaces (8 +1 bicycle), provided the three lots are combined into one lot,

SUMMARY FINDINGS:

the structure is moved off the property line with SE 17th Street, and an easement is recorded for the public storm water line. The public storm water line may require alteration to accommodate the structure; however, the applicant accepts this possibility at his expense.

- **Site Relates Well to Streets and Highways:** the site fronts an arterial street and two minor streets. SW Court Avenue serves as an urban arterial that collects traffic from the surrounding streets, directing high volume traffic to other areas of the City. The site will exhibit two parking lots, both accessed off SW 16th Street. Pedestrian access is accessible off SW Court Avenue. The proposed use anticipates 100-200 visitors daily. The site is two corner lots that will pull traffic off an arterial street onto a minor street. If Fire Station #1 is relocated to this same area, a traffic signal on SW Court Avenue will control the level of traffic.
- **Negative Impacts Mitigation:** Staff found that the site development may have a negative impact on a public storm water line. This storm water line has the potential, at the applicant's expense, of being relocated, which would negate the impact. The dumpster location is within the parking lot. A sight-obscuring fence around the dumpster is a non-discretionary requirement. Parking lot lights are required to be shielded and directed away from surrounding properties. No public testimony has been received regarding this location and its proximity to residential uses.
- **Historic, Scenic, or Cultural Preservation:** the site is not known to exhibit any historic, scenic, or cultural resources or attributes. The site is comprised of vacant lots.

CONCLUSION: The Planning Commission must determine if all criteria are met to grant approval of the Conditional Use request.

As noted in §13.06, the burden is on the applicant to prove that a proposed land division meets all development criteria and standards. A request for tentative plat approval may not be granted unless all applicable decision criteria and standards are found met. In this case, staff was able to make findings and conclusions that all criteria are met or can be met through specific conditions of approval.

SIGNS:

Approval of this Land Use Decision does not constitute sign permit approval. Signs are reviewed through a separate permit application procedure. Signs must comply with all applicable Oregon codes and City of Pendleton ordinances.

6. DECISION**SUGGESTED MOTIONS FOR APPROVAL / DENIAL**

For approval (*may be modified subject to summary findings and conclusions*):

1. I move that the Commission adopt the findings and conclusions prepared by staff (and as amended by the Commission), as set forth in action **CUP17-04** above.
2. I move that the Commission adopt these amendments as agreed upon by the Commission at this hearing: (list amendments).
3. I move that the request for a Conditional Use to operate a recreational marijuana retail store within the C-3 Service Commercial zone, as set forth in action **CUP17-04** be **APPROVED**, based on the information, findings and conclusions set forth above (*and amended by the Commission, if applicable*), subject to the conditions of approval as recommended by staff (*and agreed upon by the*

Commission, if applicable).

For denial *(may be modified subject to summary findings and conclusions):*

1. I move that the Commission adopt the findings and conclusions made by the Commission at this hearing, specifically showing that the proposal set forth in action **CUP17-04** DOES NOT meet the applicable approval criteria *(must note criteria cited)*.
2. I move that the request for a Conditional Use to operate a recreational marijuana retail store within the C-3 Service Commercial zone, as set forth in action **CUP17-04** be **DENIED**, based on the information, findings and conclusions made by the Commission at this hearing.

SUGGESTED MOTIONS FOR MODIFICATION

For modification *(may be modified subject to summary findings and conclusions):*

1. I move that the request for a Conditional Use to operate a recreational marijuana retail store within the C-3 Service Commercial zone, as set forth in action **CUP17-04** be **returned to the applicant for modification and that this hearing be continued until such time as the application has been resubmitted for the Commission’s review, provided that such resubmission is received within 60 days of tonight’s hearing.**

Reviewed by George Clough, City Planner

8. CODES SPECIFIC TO APPLICATION

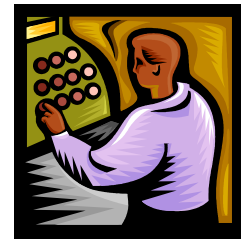
UNIFIED DEVELOPMENT CODE ORDINANCE NO. 3845

4.03 C-3 Service Commercial

4.03.1 Description and Purpose. To provide areas for retail and service uses, and housing opportunities which are accessible to the entire community.

4.03.2 Permitted Uses. The following uses and their accessory uses are permitted outright, provided the gross floor area of any proposed building is less than 25,000 square feet:

- A. Auto Repair, Services, Garages and fueling
- B. General Business and Personal Services
- C. Commercial Amusement and Recreation
- D. General building and trade contractors
- E. Dwelling, multi-family, or residential facility, subject to City development standards. The maximum density shall be 80 dwelling units per net buildable acre provided that: (1) One parking space per unit is provided within 250 feet of a public building entrance; and (2) For new construction, 10% of the site is reserved for accessible and usable open space.
- F. Eating and Drinking Establishments
- G. General Offices
- H. General Retail
- I. Health Services
- J. Transit Facilities
- K. Communication Facilities
- L. Dwelling, caretaker or manager only;
- M. Educational Services
- N. Governmental, public or semi-public use or structures
- O. Hotels, Motels, Mobile Home Parks, other lodging
- P. Membership Organizations
- Q. Museums, Art Galleries, Zoos
- R. Printing and publishing
- S. Railroad Facilities
- T. Social Service Organizations



- U. Animal Clinics, Kennels and Hospitals within fully enclosed facilities
- V. Transportation uses consistent with the adopted Transportation System Plan and OAR 660-012-0045, and not otherwise identified as conditional uses, pursuant to 4.03.3 (D)

4.03.3 **Conditional Uses.** Any permitted use with a gross floor area of more than 25,000 square feet and the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Article 11:

- A. Warehousing, motor freight;
- B. Animal clinics, kennels and hospitals utilizing outdoor areas for surgery, holding and/or boarding;
- C. Within the Central Mixed Use Plan Designation, expansion of existing, lawfully any established light industrial use on the same or adjacent property.
- D. Medical Marijuana facilities (see Section 4.05)
- E. The following uses:
 - (1) park-and-ride/rideshare facilities
 - (2) transit centers
 - (3) transportation warehousing

4.04 General Provisions for Commercial Zones

4.04.1 **Lot Size.** There is no minimum lot size in Commercial zones.

4.04.2 **Yards.** No yards shall be required in commercial zones, with the following exceptions:

- A. When the property abuts or is less than sixty (60') feet from a residential zone, the same yards shall be required as those in the abutting zone.
- B. New development on corner lots shall observe all standards for Vision Clearance.
- C. The use of landscaped areas may be required by the Planning Commission to buffer commercial uses from residential uses.

4.04.3 **Lot Coverage.** There shall be no maximum lot coverage regulations for commercial zones; however, new residential buildings in commercial zones shall provide at least 10% of the building site as accessible open space and meet applicable parking standards. The 10% open space standard does not apply to redevelopment of existing or historic structures if on-site space is not available.

4.04.4 **Building Height.** The maximum allowable height of buildings in the commercial zones shall be as follows:

- A. C-MU: No limit;
- B. C-2: 50 feet or 5 stories;
- C. C-3: 50 feet or 5 stories.
- D. The height limits of this Ordinance shall not apply to church spires, belfries, cupolas and domes not for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flagpoles, radio towers, masts, aerials, solar energy collectors and equipment used for the mounting or operation of such devices, and any other on-site energy generating device.

4.04.5 **Fences.** In a commercial zoning district, fences or walls not to exceed eight (8) feet in height may be located or maintained in any yard, except where the requirements of vision clearance apply. Any fence over six (6') feet in height requires a building permit.

4.05 Marijuana Dispensaries and Recreational Marijuana Retailers

4.05.1 **Purpose.** This Section establishes regulations for the siting of Medical Marijuana Dispensaries and Recreational Marijuana Retailers as authorized by State Law. The purpose of this Section is to minimize adverse impacts on adjacent properties, schools and other places where children congregate, and other land uses potentially incompatible with such facilities.

4.05.2 **General provisions.**

- A. No Medical Marijuana Dispensaries or Recreational Marijuana Retailers may be located within the City unless the review authority finds that it satisfies all the requirements of this Code and State law.
- B. Medical Marijuana Dispensaries and Recreational Marijuana Retailers may be allowed, subject to a Conditional Use Permit pursuant to Article XI of this Code, in the Central Mixed Use (C-MU) and Service Commercial (C-3) Zones.
- C. Medical Marijuana Dispensaries and Recreational Marijuana Retailers legally established pursuant to this Code shall not be found in conflict with the provision of this Code in the event that a conflicting land use locates in the vicinity of a Medical Marijuana Dispensaries or Recreational Retailers subsequent to the Medical Marijuana Dispensaries or Recreational Retailers obtaining land use approval from the City. When such conflict is found to exist, the Medical Marijuana

Dispensaries and Recreational Retailers shall be considered a legal nonconforming use and subject to provision set for in Article XI of this Code.

4.05.3 Definitions included by reference. For the purposes of this Section, the following definitions shall be used:

- Career School – any private proprietary professional, technical, business or other school instruction, organization or person that offers any instruction or training or preparing persons for any profession at a physical location attended primarily by minors.
- Community Recreation Facility – a public building or public location that is open to the general public where meetings are held, sports are played, group activities conducted, and there are activities available for young for various purposes (i.e. recreation center, convention center).
- Medical Marijuana Dispensary – transfers usable marijuana, immature marijuana plants, seed, and medical products, concentrates and extracts to patients and caregivers.
- Marijuana Edibles – food items made with marijuana or infused with marijuana oils.
- Medical Marijuana Facility – A facility or activity engaged in growing, processing, or dispensing medical marijuana products.
- Minor – an individual under the age of 18.
- Elementary school - a learning institution containing one or any combination of grades kindergarten through 8th grade or age level equivalent.
- Recreational Marijuana Facilities – a – A facility or activity engaged in producing, processing, or wholesaling or selling recreational marijuana products.
- Recreational Marijuana Retailer – is licensed by Oregon Liquor Control Commission to sell marijuana items to consumers.
- Secondary School– a learning institution containing one or any combination of grades 9 through 12 or age level equivalent and includes those institutions that provide junior high schools, which include 9th grade (Middle/High School).

4.05.4 Limitations for Medical Marijuana Dispensaries and Recreational Marijuana Retailers.

- A. No Medical Marijuana Dispensaries or Recreational Marijuana Retailers shall be located:
1. At the same address as a registered grow site.
 2. Within 1,000 feet of the real property comprising a public or private elementary, secondary schools or career schools attended primarily by minors.
 3. Within 1,000 feet of the real property comprising a Public park or community recreation facility attended primarily by minors; or,
 4. Within 1,000 feet of another Medical Marijuana Dispensary or Recreational Marijuana Retailer.

11.06 Conditional Use Permits

11.06.1 Purpose. In all zones, conditional uses may be permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, or the special characteristics of the area in which they are to be located, conditional uses require special consideration so that they may be properly located with respect to the objectives of this ordinance and their effect on surrounding properties.

The Planning Commission shall have the authority to approve, approve with conditions, disapprove or revoke conditional use permits subject to the provisions of this Section. Changes in use, expansion or contraction of site area, or alteration of structure or uses classified as conditional and existing prior to the effective date of this ordinance shall conform to all regulations pertaining to conditional uses.

11.06.2 Allowances. Those uses specifically identified as Conditional Uses in this Code may be considered for approval. This Code cannot anticipate every potential development proposal; uses that are similar in nature and impact to those that may be considered under the Conditional Use procedure, pursuant to a formal interpretation by the Planning Commission, may be processed and considered for approval under these standards.

11.06.3 Findings of fact. In order to grant any conditional use, the Planning Commission must find, based upon evidence, both factual and supportive, provided by the applicant, that:

- A. The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this ordinance.
- B. The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use.
- C. Any negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other ordinance standards, or other reasonable conditions of approval.

- D. In areas designated as requiring preservation of historic, scenic or cultural resources and attributes, proposed structures will be of a design complimentary to the surrounding area.

11.06.4 **Conditions of approval.** In permitting a conditional use, the Planning Commission may impose, in addition to regulations and standards expressly specified in this ordinance, other conditions found necessary to protect the best interests of the surrounding property or neighborhood, or the City as a whole. These conditions may include, but not be limited to, the following:

- A. Increasing required lot size, yard dimensions, open spaces or buffer areas.
- B. Requiring fences, walls or landscape screening and/or buffering where necessary to reduce noise, glare and maintain the property in a character in keeping with the surrounding area.
- C. Requiring landscaping and maintenance thereof.
- D. Increasing street widths, controlling the location and number of vehicular access points to the property for ingress/egress.
- E. Requiring means of pedestrian/bicycle access pathways to serve the property.
- F. Increasing the number of off-street parking and loading spaces required; surfacing and proper drainage of parking areas.
- G. Limiting size, location and number of signs.
- H. Limiting the location, coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property.
- I. Limiting or prohibiting openings in sides of buildings or structures.
- J. Enclosure of storage areas and limitation of outside display and/or storage of merchandise.
- K. Requiring maintenance of grounds.
- L. Regulation of noise, vibration, odors, etc.
- M. Regulation of time for certain activities.
- N. Establishing a time period within which the proposed use shall be developed.
- O. The requirement of a bond for removal of such use within a specified period of time.
- P. Increase the size, type or capacity of any or all utility services, facilities or appurtenances.
- Q. Requirements under which any future enlargement or alteration of the use shall be reviewed by the Planning Commission and new conditions imposed.
- R. The Planning Commission may require that an applicant furnish the City a performance bond with a contractual agreement to assure its share of the development of streets, curbs, gutters, sidewalks, water, sanitary sewers, storm sewers or other necessary and essential public improvements to City standards; or an irrevocable consent to participate in an LID for those improvements has been executed.
- S. And such other conditions as will make possible the development of the City in an orderly and efficient manner and in conformity with the intent and purposes set forth in this Section.

11.06.5 **Limitations.** A conditional use permit shall not grant variances to regulations otherwise prescribed by the Development Code. Variance application(s) may be filed in conjunction with the conditional use application, and both applications may be reviewed at the same hearing.

11.06.6 **Procedure.** Conditional Use applications shall be processed according to the standards for a Type III application contained in Article 13.

11.06.7 **Appeal.** Appeal of a Conditional Use shall be processed according to the standards for appeal of a Type III decision contained in Article 13.

11.06.8 **Alterations.** The Commission may establish standards under which any future enlargement or alteration of the use shall (or shall not) require a new or modified Conditional Use application.

11.06.9 **Revocation.** Upon a determination that there are sufficient grounds, the Planning Commission may at any time initiate a review of the operation of any Conditional Use. A review shall be initiated if the Planning Director receives three documented and unresolved complaints within six months that a conditional use has not complied with the applicable conditions of approval or the applicable standards of this Section. If a review is initiated, the Commission shall hold a public hearing to determine whether the use is in compliance with applicable standards and conditions. Review of an existing Conditional Use shall be processed as a Type III procedure consistent with the standards for a new Conditional Use. At the conclusion of the hearing, the Planning Commission shall adopt findings of compliance or non-compliance for the conditional use. Upon adoption of findings of non-compliance, the property owner(s) shall submit a compliance schedule documenting that compliance will be achieved within forty-five (45) days or a shorter period of time if the Commission determines there is a

cause for emergency action. Receipt of further documented and unresolved complaints will result in revocation of the conditional use permit.

Article XIII. Land Use Application Procedure

13.04 Type III Procedure (Quasi-Judicial)

13.04.1 **Pre-application Conference.** A pre-application conference is not required for Type III applications but is highly recommended.

13.04.2 **Neighborhood Meetings.** There is no legal requirement to conduct neighbor-developer meetings. However, applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application to the City in order to solicit input and exchange information about the proposed development. The City can provide the same list used for mailed notices to the applicant if he/she wishes to provide additional notification and/or schedule a community meeting.

13.04.3 **Application Requirements.**

- A. Application forms. Type III applications shall be made on forms provided by the Community Development Department; if a Type II application is referred to a Type III hearing, either voluntarily by the applicant or staff, or upon appeal, no new application is required.
- B. Submittal Information. When a Type III application is required, it shall:
 1. Include the information requested on the application form;
 2. Be filed with a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making;
 3. Be accompanied by the required fee.

13.04.4 **Notice of Hearing.**

- A. Notice of a Type III application hearing or Type II appeal hearing shall be given by the City Planning Official or designee in the following manner:
 1. At least 20 days before the hearing date, notice shall be mailed to:
 - a. The applicant and all owners or contract purchasers of record of the property that is the subject of the application;
 - b. All property owners of record within 100 feet of the site;
 - c. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies. The City shall notify the road authority, and rail authority and owner, when there is a proposed development abutting or affecting their transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application.
 - d. Owners of airports in the vicinity shall be notified of a proposed zone change in accordance with ORS 227.175;
 - e. Any neighborhood or community organization recognized by the City Council and whose boundaries include the property proposed for development;
 - f. Any person who submits a written request to receive notice;
 - g. For appeals, the appellant and all persons who provided testimony in the original decision; and
 - h. For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
 2. The City Planning Official or designee shall have an affidavit of notice be prepared and made a part of the file. The affidavit shall state the date that the notice was mailed to the persons who must receive notice.
 3. Notice of the hearing shall be printed in a newspaper of general circulation in the City at least 7 business days before the hearing. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.
- B. Content of Notice. Notice of appeal of a Type II Administrative decision or notice of a Type III hearing to be mailed and published per Subsection 1 above shall contain the following information:
 1. The nature of the application and the proposed land use or uses that could be authorized for the property;
 2. The applicable criteria and standards from the development code(s) that apply to the application;
 3. The street address or other easily understood geographical reference to the subject property;
 4. The date, time, and location of the public hearing;

5. A statement that the failure to raise an issue in person, or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals;
6. The name of a City representative to contact and the telephone number where additional information on the application may be obtained;
7. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at Pendleton City Hall at no cost and that copies shall be provided at a reasonable cost;
8. A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;
9. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and
10. The following notice: "Notice to mortgagee, lien holder, vendor, or seller: The City of Pendleton Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

13.04.5 Conduct of the Public Hearing.

- A. At the commencement of the hearing, the hearings body shall state to those in attendance:
 1. The applicable approval criteria and standards that apply to the application or appeal;
 2. Testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;
 3. An issue which may be the basis for an appeal to the Land Use Board of Appeals shall be raised in person or by letter not later than the close of the record or following the final evidentiary hearing on the proposal before the local government. Failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to LUBA based on that issue;
 4. Before the conclusion of the initial evidentiary hearing, any participant may ask the Planning Commission for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing (a continuance), or by leaving the record open for additional written evidence or testimony per subsection B.
- B. If the Planning Commission grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence;
- C. If the Planning Commission leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period that the record was left open. If such a request is filed, the Planning Commission shall reopen the record.
 1. When the Planning Commission reopens the record to admit new evidence or testimony, any person may raise new issues that relate to that new evidence or testimony;
 2. An extension of the hearing or record granted pursuant to this section is subject to the limitations of ORS 227.178 ("120-day rule"), unless the continuance or extension is requested or agreed to by the applicant;
 3. If requested by the applicant, the City shall allow the applicant at least seven days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant's final submittal shall be part of the record but shall not include any new evidence;
 4. The record shall contain all testimony and evidence that is submitted to the City and that the hearings body has not rejected;
 5. In making its decision, the hearings body may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous city decisions; case law; staff reports). The review authority must announce its intention to take notice of such facts in its deliberations, and allow persons who previously participated in the hearing to request the hearing record be reopened, if necessary, to present evidence concerning the noticed facts;
 6. The review authority shall retain custody of the record until the City issues a final decision.
- D. Participants in the appeal of a Type II Administrative decision or participants in a Type III hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing ex parte contacts as reasonably possible. However, the public has a countervailing right of free access to public officials. Therefore:

1. At the beginning of the public hearing, hearings body members shall disclose the substance of any pre-hearing ex parte contacts (as defined below) concerning the application or appeal. He or she shall state whether the contact has impaired their impartiality or their ability to vote on the matter and shall participate or abstain accordingly;
 2. A member of the hearings body shall not participate in any proceeding in which they, or any of the following, has a direct or substantial financial interest: their spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which they are then serving or have served within the previous two years, or any business with which they are negotiating for or have an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the hearing where the action is being taken;
 3. Disqualification of a member of the hearings body due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote on the motion to disqualify;
 4. If all members of the Planning Commission abstain or are disqualified, the City Council shall be the hearing body. If all members of the City Council abstain or are disqualified, a quorum of those members present who declare their reasons for abstention or disqualification shall be re-qualified to make a decision;
 5. Any member of the public may raise conflict of interest issues prior to or during the hearing, to which the member of the hearings body shall reply in accordance with this section.
- E. Ex parte communications.
1. Members of the hearings body shall not:
 - a. Communicate directly or indirectly with any applicant, appellant, other party to the proceedings, or representative of a party about any issue involved in a hearing without giving notice per subsection D above;
 - b. Take official notice of any communication, report, or other materials outside the record prepared by the proponents or opponents in connection with the particular case, unless all participants are given the opportunity to respond to the noticed materials.
 2. No decision or action of the hearings body shall be invalid due to ex parte contacts or bias resulting from ex parte contacts, if the person receiving contact:
 - a. Places in the record the substance of any written or oral ex parte communications concerning the decision or action; and
 - b. Makes a public announcement of the content of the communication and of all participants' right to dispute the substance of the communication made. This announcement shall be made at the first hearing following the communication during which action shall be considered or taken on the subject of the communication.
 - c. A communication between City staff and the hearings body is not considered an ex parte contact.
- F. Presenting and receiving evidence.
1. The hearings body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;
 2. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing, only as provided in subsection C;
 3. Members of the hearings body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

13.04.6 Recess of Hearing.

The Planning Commission may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposed action. Upon recessing for this purpose, the Commission shall announce the time and date when the hearing will be resumed.

13.04.7 The Decision Process.

- A. Basis for decision. Approval or denial of an appeal of a Type II Administrative decision or of a Type III application shall be based on standards and criteria in the development code. The standards and criteria shall relate approval or denial of a discretionary development permit application to the development regulations and, when appropriate, to the comprehensive plan for the area in which the development would occur and to the development regulations and comprehensive plan for the City as a whole;
- B. Findings and conclusions. Approval or denial shall be based upon the criteria and standards considered relevant to the decision. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts;
- C. Form of decision. The Planning Commission shall issue a final written order containing the findings and conclusions stated in subsection B, which either approves, denies, or approves with specific conditions. The Planning Commission may also issue appropriate intermediate rulings when more than one permit or decision is required;
- D. Decision-making time limits. A final order for any Type II Administrative Appeal or Type III action shall be filed with the City Planning Official or designee within ten business days after the close of the deliberation;

- E. Notice of Decision. Written notice of a Type II Administrative Appeal decision or a Type III decision shall be mailed to the applicant and to all participants of record within ten business days after the hearings body decision. Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.
- F. Final Decision and Effective Date. The decision of the hearings body on any Type II appeal or any Type III application is final for purposes of appeal on the date it is mailed by the City. The decision is effective on the day after the appeal period expires. If an appeal is filed, the decision becomes effective on the day after the appeal is decided by the City Council. The notification and hearings procedures for Type III applications on appeal to the City Council shall be the same as for the initial hearing. An appeal of a land use decision to the State Land Use Board of Appeals must be filed within 21 days of the City Council's written decision or, in the case of Type I decision, within 21 days of the administrative decision date.

13.04.8 **Appeal.** A Type III decision may be appealed to the City Council as follows:

- A. Who may appeal. The following people have legal standing to appeal a Type III Decision:
 - 1. The applicant or owner of the subject property;
 - 2. Any person who participated in the proceeding by submitting written comments to the Planning Commission.
 - 3. Any person who participated in the proceeding by providing oral testimony to the Planning Commission at the hearing(s).
 - 4. The City Council, acting upon the recommended action of the City Manager or upon its own motion, may order a de novo review of any lower level decision. This review shall be conducted in accordance with appeal procedures specified herein.
- B. Appeal filing procedure.
 - 1. Notice of appeal. Any person with standing to appeal, as provided in subsection A, above, may appeal a Type III Decision by filing a Notice of Appeal according to the following procedures;
 - 2. Time for filing. A Notice of Appeal shall be filed with the City Planning Official or designee within 14 days of the date the Notice of Decision was mailed;
 - 3. Content of notice of appeal. The Notice of Appeal shall contain:
 - a. An identification of the decision being appealed, including the date of the decision;
 - b. A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
 - c. A statement explaining the specific issues being raised on appeal;
 - d. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period;
 - e. Filing fee.
- C. Scope of appeal. The appeal of a Type III Decision by a person with standing shall be a hearing de novo before the City Council. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the Planning Commission review. The City Council may allow additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue.
- D. Appeal procedures. Type III notice, hearing procedures and decision process shall also be used for all Type III Appeals;
- E. Further Appeal. The decision of the City Council on an appeal is final and effective on the date it is mailed by the City. The City Council's decision may be appealed to the State Land Use Board of Appeals pursuant to ORS 197.805 – 197.860.

13.06 **Burden of Proof**

The following language shall be included with all decisions for Type II, III and IV actions.

The specific findings made in granting a Permit shall be factual and supported by substantial evidence. The burden of producing substantial evidence to support the requisite findings is on the applicant seeking the approval of the Permit. If no evidence is produced by the applicant concerning any of the findings, the application may be denied based upon improper or inadequate findings. All evidence produced must be recited in the findings relating to approval or denial of an application.

- A. The applicant has the burden of proof regarding all requests affecting a subject property, and the applicant recognizes that it is the sole obligation of the applicant to substantiate the request.
- B. If any administrative review, suit or action is instituted in connection with any appeal of a decision, the applicant shall be required to either (1) reimburse the City for all costs incurred in defending this action, including but not limited to attorney fees, staff costs, any materials and other related costs, or (2) notify the City that the applicant does not desire to undertake such costs and will drop its request.
- C. The applicant shall notify the City Manager within five (5) days from City's receipt of any notice of appeal by delivering a written statement to the City Manager within said five (5) days advising the City Manager whether the applicant will reimburse the City for all costs as described above or desires to drop the request.
- D. In the absence of written communication from the applicant within the allotted five (5) days the City may at its option presume the applicant desires to drop the request and the City shall have no obligation to defend the appeal.

- E. In appeals involving questions of City-wide significance, the City Council may determine to participate in part of the costs specified herein. Nothing in this condition shall affect applicant's right to retain independent counsel in making their own legal appearance upon appeal.
- F. If any suit or action, including rescission, is instituted by the applicant in connection with any controversy arising out of a request, there shall be taxed and allowed to the City as a part of the costs of the action, a reasonable amount to be fixed by the court as attorney fees in such suit or action, both at trial and upon appeal. In addition, the City may charge a fee for preparation of a written transcript, not to exceed the actual cost of preparing the transcript, up to \$500 plus one-half the actual costs over \$500.

Article XV. Administrative Provisions

15.05 Permit to Run with the Land

A Permit granted pursuant to the provisions of this Section shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application, except as otherwise provided in this Section.

15.06 Limitations

No building or other permit shall be issued in any case where a Permit is required by the terms of this ordinance until after the applicable appeal period of the decision. An appeal from an action of the Planning Commission shall automatically stay the issuance of a building or other permit until such appeal has been completed. In the event the council acts to grant said Permit, the building permit may be issued immediately thereafter, in accordance with such terms and conditions as may have been imposed on said permit.

15.07 Permit Expiration

Any permit granted pursuant to this Ordinance shall become void two (2) years after approval, unless within that time the required building construction, alteration or enlargement has been commenced and diligently pursued or, if no such construction, alteration or enlargement is required, unless the permitted activity is being regularly conducted on the premises.



15.08 Permit Extension

The Planning Director may extend a permit for one additional period of two (2) years, subject to the following requirements:

- A. The request is made in writing; and
- B. The request is received prior to permit expiration.

It is the responsibility of the permit holder to submit a request for extension. No more than one such extension may be granted. Development standards that apply at time of approval shall remain valid for the original term of approval, and shall not exceed four years from the original date of approval in the event of an extension.

15.09 Vested Rights

Land use approvals granted under this Ordinance shall be effective only when the exercise of the right granted therein is commenced within the approval period of that decision. In case such right has not been exercised or extension obtained the approval shall be void. Nothing contained in this Ordinance shall:

- A. Require any change in the plans, construction, alteration or designated use of a structure on which construction has physically, lawfully and substantially commenced prior to the adoption of this Ordinance, provided the structure, if non-conforming or intended for a non-conforming use, is completed and in use within two (2) years from the time construction was commenced.
- B. Be construed to limit the sale, transfer, or other conveyance of property on which exists a non-conforming building, structure or use, so long as such sale, transfer or other conveyance does not otherwise violate the provisions of this Ordinance.

15.10 Illegal Occupancy

Any use of a premise or building which deviates from or violates any of the provisions of this Ordinance shall be termed an illegal occupancy and the person or persons responsible therefore shall be subject to the penalties herein provided.

No final approval or certificate of occupancy shall be issued by the City until such time as the applicant has complied with all requirements of this Ordinance. Final approval or certificate of occupancy shall not be issued if there is any major deviation from an approved land use action, including a Development Permit.

15.11 Contract Purchasers Deemed Owners

A person or persons purchasing property under contract, for the purposes of this Ordinance, shall be deemed to be the owner or owners of the property covered by the contract; the City Planning Commission or the City Council may require

satisfactory evidence of such contract of purchase.