



Home of the Tualatin River National Wildlife Refuge

Planning Commission Meeting Packet

FOR

**January 26, 2016
Work Session at 6 PM**

**Sherwood City Hall
22560 SW Pine Street
Sherwood, Oregon**



**City of Sherwood
PLANNING COMMISSION
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
January 26, 2016
6 PM Work Session**

6 PM Planning Commission Work Session Agenda

- 1. Call to Order**
- 3. Council Liaison Announcements (Councilor Robinson)**
- 4. Staff Announcements (Brad Kilby)**
- 5. Recreational Marijuana (Michelle Miller)**
- 6. Industrial Land Use Districts Development Code (Julia Hajduk)**
- 7. Adjourn**

TO: Planning Commission

FROM: Michelle Miller, AICP, Senior Planner

SUBJECT: **Recreational Marijuana Facility Development Code Amendment Work Session**

DATE: **January 19, 2016**

At the upcoming work session, staff will be presenting information on recent changes to the recreational marijuana laws. We will begin to discuss the work plan and timeline for evaluating any changes to the Sherwood Zoning and Development Code in response to the recent legislative changes as well as the rules recently developed by the Oregon Liquor Control Commission (OLCC) to administer licenses to recreational marijuana facilities.

Staff will be presenting information on regulating these specific types of facilities in order to provide some background and inform you of how the OLCC plans to regulate these businesses and the process involved. We will discuss how these regulations may be interpreted within our local zoning code, as well as provide you with a timeline for moving forward.

We will look to you for guidance on public engagement and potential code amendments.

Attached to this cover memo are:

- Recreational Marijuana Work Plan
- Recreational Marijuana Regulation Issue Paper
- Attachment 1: Marijuana License Application Statistics as of January 15, 2016

RECREATIONAL MARIJUANA REGULATIONS

WORK PLAN

Purpose: Consider plan amendments to the Sherwood Zoning and Development Code concerning the implementation of Recreational marijuana facilities locating in Sherwood beyond the OLCC regulations.

Schedule and Scope

Planning Commission Work Session, Jan. 26, 2016

At the first session, provide Commission with the work plan/schedule developed through coordination with CDD and get PC endorsement.

Several options to consider will be whether to request a Joint PC-CC work session before the PC Public Work session and/or a work session with the Police Advisory Board (PAB). Last time, the PAB came to the Public Work Session and participated as members of public and staff followed up with review to PAB.

Materials for Discussion at Work Session

- Work Plan
- Review Issue Paper on four Types of OLCC licenses concerning Rec Marijuana
- Survey questions on recreational marijuana

Planning Commission Public Work Session, February 23, 2016

(Depending on outcome of PC initial work session date and allows time for joint session with CC or Police advisory board in advance)

Hold Public works session on the various issues concerning recreational marijuana license

Planning Commission Work Session March 8, 2016

Review Draft Proposed Language

****DLCD Notice due March 8th 2016**

Police Advisory Board Meeting March 17, 2016-third Thursday of month meeting

Review Draft Proposed Language and make any changes prior to hearing

Public Hearing Dates

Planning Commission Hearing April 12, 2016: PC recommendation to Council

City Council Hearings May 3, 2016 and as needed May 17, 2016

- 1st reading of Draft Language and 2nd reading as needed.

RECREATIONAL MARIJUANA REGULATIONS ISSUE PAPER

BACKGROUND

Oregon voters passed Measure 91 in 2014 legalizing recreational marijuana. Over the past year, the Oregon legislature and the Oregon Liquor Control Commission (OLCC) have developed statewide regulations and processes in order to implement this measure. As of January 4, 2016, the OLCC has begun to accept all types of recreational marijuana license applications. The breakdown of applications is attached to this memo. (Attachment 1, Marijuana License Application Statistics as of January 15, 2016). According to the OLCC “FAQ page” there is no specific time frame regarding how long it may take to get a license. The OLCC intends to license producers and laboratories first, before all other license types may operate. This will then be followed by processors, research certificates and then retailers. It is expected to have the producers/labs licensed by Spring 2016 and for the retailers to be licensed by Fall 2016.

The Oregon Legislature made significant changes to Measure 91 during the 2015 session in HB 3400 and HB 2041. One of the provisions included the ability of local jurisdictions to “opt out” or ban all types of recreational marijuana licenses within a particular jurisdiction. The Sherwood City Council may decide to place the issue on the ballot and let Sherwood voters decide whether to ban all or one of the recreational marijuana license types. The City Council will make the decision on January 19, 2016. If the issue is placed on the ballot, there will be a moratorium in place, restricting all marijuana related businesses or facilities from locating in Sherwood until the issue is resolved by the Sherwood voters with the November 2016 election. If Council elects not to place the issue on the ballot or if voters ultimately reject the ban in November, the community will need to determine whether to further restrict marijuana-related facility locations or implement other restrictions. Additionally, it will be important to clearly confirm the permitted locations for each particular facility types. These restrictions would need to be adopted through a plan amendment to the Sherwood Zoning and Development Code.

The OLCC has begun accepting online applications for licenses to operate recreational marijuana-related facilities in Oregon. Various types of recreational marijuana businesses may be allowed in certain zones and may not be allowed in other zones. The OLCC requires an applicant to seek out verification from the local jurisdiction indicating that the proposed use is permitted within the land use zone where the facility is to be located. The required form to be completed by a local jurisdiction is called a “land use compatibility statement,” commonly known as a LUCS. The OLCC will only issue licenses for those land uses found to be compatible with local zoning and part of that approval is getting a signed LUCS from the local jurisdiction.

OLCC RECREATIONAL MARIJUANA LICENSE TYPES

There are five different types of recreational marijuana licenses that the OLCC will administer as defined below:

Producer: ability to plant cultivate, grow, harvest and dry marijuana

Processor: ability to process, compound, or convert marijuana into cannabinoid products, concentrates and/or extracts

Wholesaler: can purchase large quantities of marijuana from other licensed facilities and sell the products to licensed retailers, processors, producers, other wholesalers, or research certificate holders.

Retailer: can sell or deliver marijuana items directly to consumers

Laboratory or Research: A use that tests marijuana licensed by the OLCC.

OLCC LAND USE PLANNING & ZONING SITING REQUIREMENTS

Depending on the license type, different zoning restrictions may apply. The following are the general restrictions OLCC developed this past year.

Recreational marijuana licensed facility may not be located:

- on federal property
- at the same physical location or address as a liquor licensee
- at the same physical location or address as a medical marijuana processing site registered with the Oregon Health Authority (OHA)
- at the same physical location or address as a medical marijuana dispensary registered with the OHA
- With the exception of the producer license, in an area that is zoned exclusively for residential use.¹

Producers may not be located at the same physical location or address as a medical marijuana grow site registered with the OHA unless the site is also licensed by the OLCC.

Retailers may not be located within 1,000 ft. of a public elementary or secondary school or a private or parochial elementary or secondary school.

A NOTE ON MEDICAL MARIJUANA DISPENSARIES IN SHERWOOD

Last year, the Planning Commission and City Council imposed additional regulations beyond the Oregon Health Authority (OHA) regulations for operating medical marijuana dispensaries in Sherwood.

The Planning Commission held several public meetings about regulating medical marijuana dispensaries. Community members shared thoughts, ideas and concerns about medical marijuana dispensaries. An online Medical Marijuana Dispensary Community Survey was also conducted from March 6-31, 2015.

The City Council approved the following restrictions for medical marijuana dispensaries.

- Dispensaries are limited to the light and general industrial zones only
- Dispensaries are limited to 3,000 square feet
- The hours of operation for dispensaries are limited to between 10 am - 8 pm
- Dispensaries are not allowed within 1,000 feet of a public park or plaza
- Requests for dispensaries are subject to Type II staff level land use process as a special use and requires notice to property owners within 1,000 feet of the proposed dispensary.

¹ Confirming with the Oregon Liquor Control Commission; based on OAR 845-025-2030

In September of 2015 the City Council adopted Ord. 2015-08 that prohibited the co-location of early retail and medical marijuana sales at the same location.

INTERIM SHERWOOD LAND USE ZONING BY LICENSE TYPES

Because Sherwood has not developed regulations concerning the appropriate location for marijuana facilities and the Development Code does not specifically identify recreational marijuana, planning staff in coordination with Josh Soper, City Attorney have identified locations where the various recreational licenses would likely be permitted within the City based on existing zoning regulations should the City receive a request for a LUCS signature by planning staff.

The following table shows the various OLCC recreational marijuana license categories and the corresponding commercial and industrial zones within Sherwood.

Sherwood General Land Use Categories and Zoning Designation

Category	NC	OC	RC	GC	LI	GI	EI	Description in SZDC
Producer	N	N	P	P	P	P	P	Farming and horticulture
Processor	C	C	C	C	P	P	P	COM: Any incidental business, service, processing, storage or display, not otherwise permitted that is essential to and customarily associated with a use permitted outright
Wholesaler	P	P	P	P	P	P	P	COM: Business and professional office only without product at same location IND: wholesaling outright in IND zones
Retailer	P	P	P	P	P w/limitations	P- with limits	P- with limits	Retail sales-incidental retail sales directly associated with permitted use and limited to a max of 10% of the total floor area in the industrial zones *otherwise permitted outright in all Commercial Zones
Lab or Research	N	N	N	N	P	P	P	Research and Development and associated manufacturing

KEY

NC = Neighborhood Commercial
OC = Office Commercial
RC = Retail Commercial
GC = General Commercial
LI = Light Industrial
GI =General Industrial

N= Not permitted
C= conditionally permitted
P= Permitted
COM= Commercial zones
IND = Industrial zones

REGULATING RECREATIONAL MARIJUANA FACILITIES IN SHERWOOD

Similar to the process and decisions developed for local medical marijuana dispensaries, the Planning Commission and Council have alternatives as they consider additional time, place and manner regulations for recreational marijuana facilities. Some alternatives include the following:

- 1. Limit the number recreational marijuana facilities**
 - Allow at least 1, but no more than x number of recreational marijuana facilities in the community. This may be a gray area. Staff recommends limitations based on proximity rather than straight numbers. It will be harder to rationalize the reason for a certain number of facilities rather than the proximity to residential or other facilities for example.

- 2. Limit the land use zone where the recreational marijuana facility can be located (Commercial/Industrial)**
 - Determine the most appropriate land use category for each facility type by amending the Development Code to prohibit, permit, or conditionally permit a certain type of facility in a particular zone. If the City voters do not approve a ban at the November election, then the City must allow at least each license type to be located in at least one zone within the City.

- 3. Require a conditional or special use permit**
 - Require a hearing with a Hearing Officer who can make special conditions on the use-hours of operation, signage, lighting or security measures.
 - Create a new category-Special Use that allows for the decision maker to make special provisions especially for that use relating to time, place or manner (i.e. what the exterior of the building looks like, potential signage restrictions.)

- 4. Limit the facility's location based on proximity to other types of uses, zones, or facilities**
 - Add a buffer that prohibits locating within a certain number of feet from a park, residential zone or anywhere children may congregate.

(For example, some jurisdictions have rules that a marijuana facility cannot be 500 ft. from a residential zone.)

- 5. No Action:**

City does not regulate beyond the State regulations. The Community Development Department would likely treat the particular facility as identified in the table shown earlier in this paper.

Marijuana License Application Statistics as of January 15, 2016

The numbers below reflect the number of submitted recreational marijuana license applications as of 8:00 AM.

Applications are organized by county of the proposed premises and include any applications within a municipality within that county.

County	Processor	Producer	Researcher	Retailer	Wholesaler	Grand Total
Baker				1		1
Benton		6			1	7
Clackamas	2	25		5	3	35
Clatsop		3				3
Columbia		5		2		7
Coos		1		2		3
Curry		2				2
Deschutes		3		7	2	12
Douglas				1		1
Hood River	1	13		4	1	19
Jackson	3	29		4	4	40
Jefferson				1		1
Josephine	1	24			2	27
King		1				1
Lake	1	1			1	3
Lane	7	26		11	3	47
Lincoln				5		5
Marion	3	4		5	1	13
Multnomah	11	22		28	6	67
Polk		1				1
Tillamook				1		1
Wasco	1	3				4
Washington	1	19	1	7		28
Yamhill	1	4		2	2	9
(blank)		3		1		4
Grand Total	32	195	1	87	26	341

Applications submitted with invalid or missing county names are listed as (blank).

“Submitted” applications include only those applications that have been completed and for which the application fee has been paid.

Summary of Total License Applications

“Total Submitted Applications by Type” includes only license types for which applications have been submitted. As of this summary, no applications for Laboratory licenses have been received.

Application numbers reflect applications saved in the online licensing system as of 8:00 AM.

- Draft:** Incomplete application that has not been submitted. May remain in Draft for 30 days.
- New:** Complete application that has been submitted by paying the application fee.
- Ready for Pay:** Complete application that has not yet been submitted.

Total Current Applications		Total Submitted Applications by Type	
Draft	217	Processor License	32
Local Government Review	1	Producer License	195
New	341	Research Certificate	1
Ready for Pay	40	Retailer License	87
Grand Total	599	Wholesaler License	26
		Grand Total	341

Sherwood Planning Commission Meeting

Date: January 26, 2016

Meeting Packet

Approved Minutes

Date Approved: February 23, 2016

Request to Speak Forms *n/a*

Documents submitted at meeting:

Memo - January 26, 2016 - Industrial Uses
Code Review.

Exhibit 1 - Presentation - Recreational
Marijuana Land Use Related
Regulations.

RECREATIONAL MARIJUANA LAND USE RELATED REGULATIONS

Planning Commission
Work Session
January 26, 2016

1-26-16
Date

PC
Gov. Body

5
Agenda Item

1
Exhibit #

WORKSESSION TOPICS

- **Overview of Statewide Recreational Marijuana Facilities License Types and Local Process**
- **OLCC Land Use Planning and Zoning Siting Requirements**
- **Medical Marijuana Dispensaries Regulations in Sherwood**
- **Discuss Work Plan for Local Recreational Marijuana Regulations**

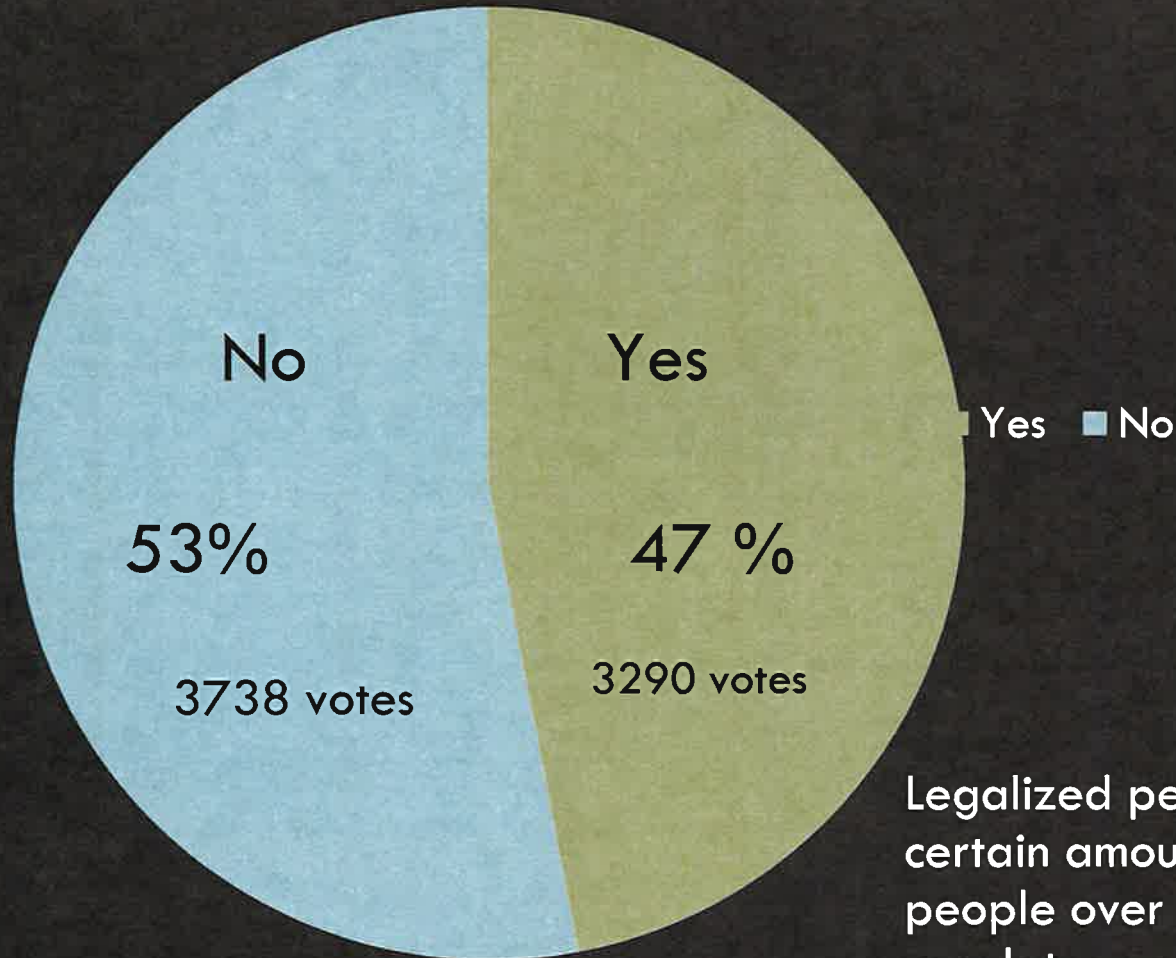
MARIJUANA REGULATIONS TIMELINE

- **November 2014: Oregon Voters passed Measure 91 –legalizing marijuana**
- **2014-2016: Oregon Liquor Control Commission (OLCC) developed regulations**
- **May 2015: City Council adopts medical marijuana dispensary regulations**

MARIJUANA REGULATIONS TIMELINE

- **September 2015: City Council voted to ban early sales of Rec. Marijuana at Sherwood Medical Marijuana Dispensaries (Ord. 2015-08)**
- **January 4, 2016: OLCC must begin accepting licenses for facilities**
- **January 5 & 19, 2016: Sherwood City Council voted to place a recreational marijuana facilities ban before voters along with a tax**

MEASURE 91-SHERWOOD VOTE



Legalized personal possession of certain amounts of marijuana for people over 21 and a established regulatory system

OPTIONS FOR RECREATIONAL MARIJUANA FACILITIES

Only the voters can ban recreational facilities.

Until voters decide, there is a moratorium on recreational marijuana facilities.



OLCC RECREATIONAL MARIJUANA LICENSE TYPES

- 1. Producer:** growing and cultivating
- 2. Processor:** converting marijuana to product/extract/edibles
- 3. Wholesaler:** transferring and distributing quantities of product
- 4. Retailer:** can sell and deliver directly to consumers
- 5. Laboratory or Research:** testing facility licensed by the OLCC

RECREATIONAL MARIJUANA LICENSED FACILITY MAY NOT BE LOCATED:

- 1) On federal property**
- 2) At the same physical location or address as a liquor licensee**
- 3) At the same physical location or address as a medical marijuana dispensary or processing site registered with the OHA**

RECREATIONAL MARIJUANA LICENSED FACILITY MAY NOT BE LOCATED:

4. Zoned Residential - *PRODUCER EXCEPTION
5. **Producers** cannot be located at same location as Medical Marijuana grow site
6. **Retailers** may not be located within 1,000 ft. of school

OLCC REC. MARIJUANA FACILITIES PROCESS

APPLICATION
SUBMITTED

- OLCC BEGINS INVESTIGATING APPLICANT

★ Local Government
Review

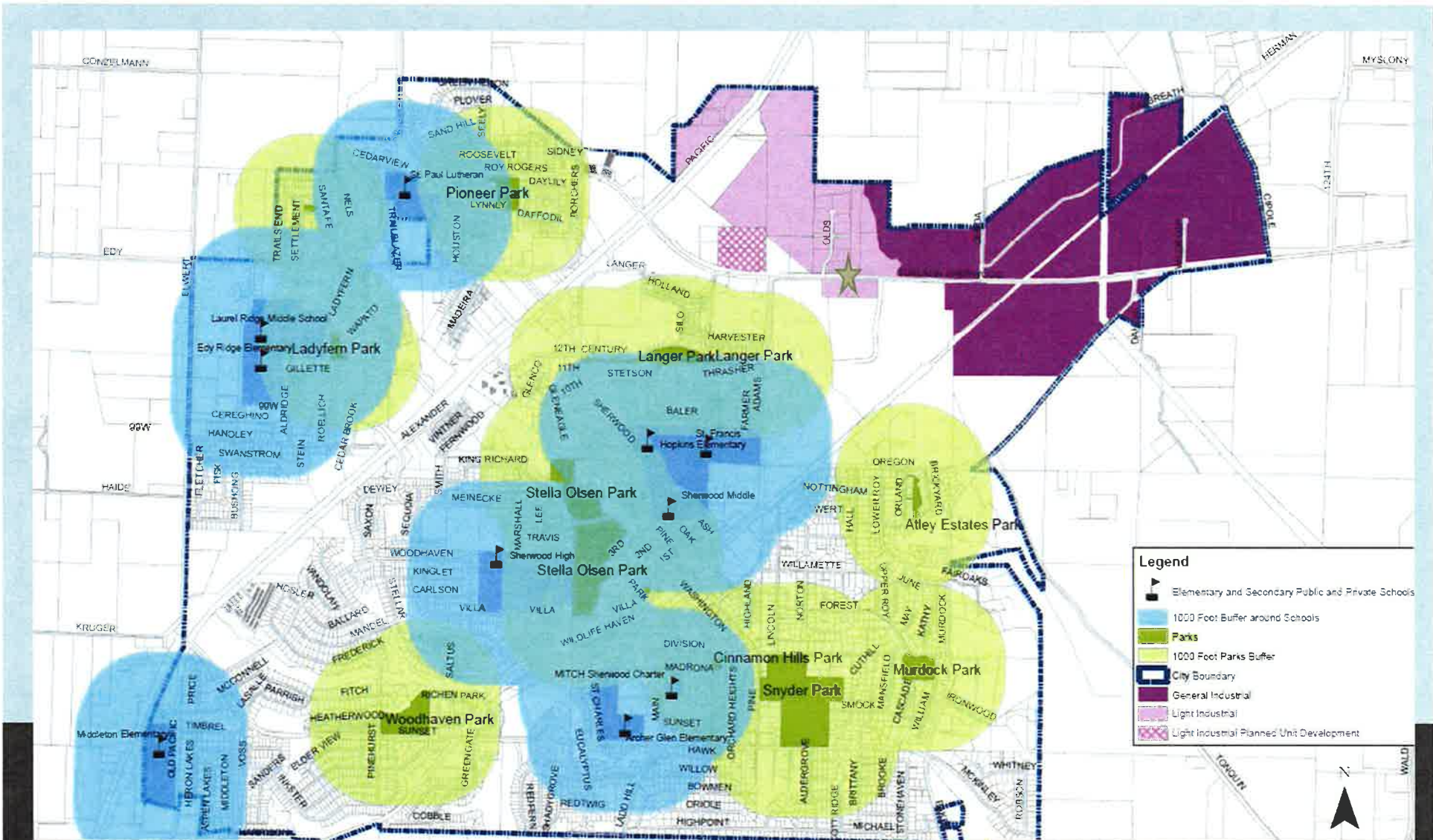
- Approved/Denial
SIGNED LUCS
- OLCC COMPLETENESS REVIEW

APPLICATION
REVIEW

- PREMISE INSPECTION LICENSE
FEE DUE
- LICENSE ISSUED

LOCAL MEDICAL MARIJUANA DISPENSARY REGULATIONS

- **Dispensaries limited to light and general industrial zones**
- **Dispensaries are limited to 3,000 square feet**
- **The hours of operation for dispensaries are limited to between 10 am - 8 pm**
- **Dispensaries are not allowed within 1,000 feet of a public park or plaza**
- **Type II staff level land use process as a special use**



MEDICAL MARIJUANA ZONING MAP

GI	school
LI	park

MEDICAL MARIJUANA GROW AND MARIJUANA RELATED MANUFACTURING FACILITIES

Industrial zones are traditionally where manufacturing and nursery related activities occur



RECREATIONAL MARIJUANA FACILITIES WORK PLAN

Considering Plan
Amendments to the
Development Code

WORK PLAN DISCUSSION

- Schedule and Scope

- **Work sessions**

- Public Work sessions
- Joint Sessions with Police Advisory Board/Council

- **Public Hearings**

- DLCD Notice and Public Notice
- Planning Commission Hearing – Make Recommendation
- City Council Hearings



- Recommendation that Legislation be in place before the November vote

COMMUNITY ENGAGEMENT

Facilitated Meetings with the Planning Commission

Online surveys

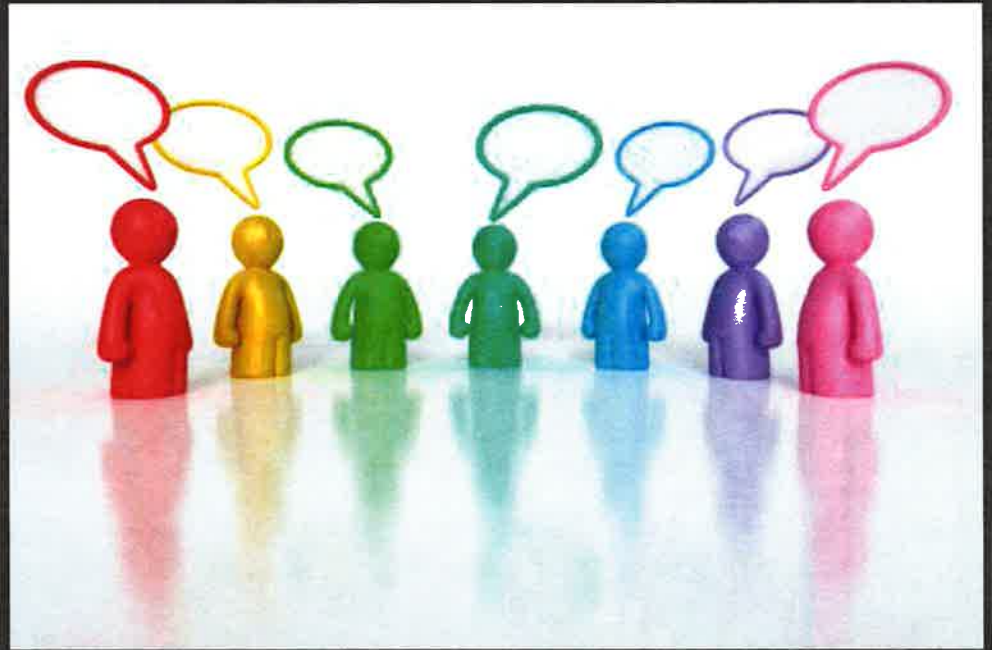
Website information

Open Houses

Kiosks at City meetings and

Events

Newsletters and Factsheets





Home of the Tualatin River National Wildlife Refuge

Memorandum

City of Sherwood
22560 SW Pine St
Sherwood, OR 97140
Tel 503-625-5522
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www.sherwoodoregon.gov

Date: January 26, 2016
To: Planning Commission
From: Julia Hajduk, Community Development Director
RE: Industrial Uses code review

Mayor
Krisanna Clark

Council President
Sally Robinson

Councilors
Linda Henderson
Dan King
Jennifer Harris
Jennifer Kuiper
Renee Brouse

City Manager
Joseph Gall, ICMA-CM

Assistant City Manager
Tom Pessemier, P.E.

At the January 12, 2016 Planning Commission meeting, you held a public work session to discuss potential changes to the industrial use standards in the Sherwood Development Code. Prior to the meeting, you were provided a memo which outlined the issue, summarized public comment up to that time period, compared other jurisdictions' codes related to industrial uses and were asked to begin thinking about how we might want to address the issues inr Sherwood.

At the work session, there were ten people in attendance. They included property owners, business owners and brokers representing industrial properties. The Commission was divided into 3 tables to solicit feedback on three questions:

- What would you like to see?
- What would you not like to see?
- Regarding what you do not want, what are the main reasons/concerns?

After the public work session the Commissioners reported out what they heard from the group. At the end of the regular business meeting, the Commission discussed at the end of the meeting specific feedback for staff to begin considering. Specific elements that staff heard were:

- Desire to have general list of permitted uses and more specific list of prohibited uses
- In response to comments received about allowing more retail in industrial zones, the Commission indicated they were not in favor of having more retail uses.
- There was an understanding that any use that emitted pollution would be regulated by DEQ or EPA and limited
- There was a willingness to consider warehousing and distribution in the TEA because it was understood that this would likely not be the only uses there and they would be limited due to the proximity to I-5.

Based on the feedback received prior to, and at the public work session and Commissioner feedback provided under Planning Commissioner Announcements during the regular business meeting staff drafted the attached changes for the Commissions consideration.

01-26-16
Date

PC
Gov. Body

WS 5
Agenda Item

No # assigned
Exhibit #



2009 Top Ten Selection



2007 18th Best Place to Live



Summary of draft Industrial Use changes		
	Change	explanation
1	Deleted: Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	Unnecessary with the other changes being made
2	Added: Distribution and warehousing up to _____ square feet, provided product(s) are stored within an enclosed building	Separated out distribution and warehousing from large group of use classification. By having size limitation, it allows us to allow with limitations in the TEA. If no size limitations are desired, we would delete one of these and remove reference to size. Also eliminated "storage" because that seemed redundant to "warehousing"
3	Added: Distribution and warehousing greater than _____ square feet provided product(s) are stored within an enclosed building	
4	Deleted "Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:"	Replaced with more general as described below
5	Added: Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products contained wholly within an enclosed building provided there is no exterior odor, noise or storage and not otherwise regulated elsewhere in the code	This provides general categories and allows for differentiation by zone when considering what it looks like from the outside and potential adverse impacts.
6	Added: Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products not otherwise prohibited elsewhere in the code (outside storage possible and other off-site impacts compliant with local, state and federal regulations	
7	<p>Deleted</p> <ul style="list-style-type: none"> • Food products, appliances, textiles and fiber products, pottery, glass and previously pulverized clay ceramics, small electronics, communication equipment, instruments, toys, novelties, electronics components, maintenance equipment, vending machines, cosmetics, chemicals and other small products and tools manufactured from previously prepared or semi-finished materials • Pharmaceuticals in facilities up to 50,000 square feet building size • Pharmaceuticals in facilities larger than 50,000 square feet building size • Building components, furniture, fixtures, signs • Non-motorized recreational vehicles and equipment • Manufactured homes, farm equipment, and greenhouses • Renewable energy/energy efficiency, sustainable environmental products, advanced manufacturing, high technology, biotechnology, sports apparel and other recreational products 	These uses were very specific and otherwise covered by #5 and #6 described above
8	Added: "or facilities incidental to and solely serving an associated permitted or conditional use" to footnote #4	This is to take into account industrial uses that might have fueling facilities for their fleet or equipment and based on comments from Enterprise Holdings

Chapter 16.31 - INDUSTRIAL LAND USE DISTRICTS⁽¹⁹⁾

Sections:

Footnotes:

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Editor's note—Ord. No. 2012-011, adopted August 7, 2012, amended the Code by consolidating the provisions of Chs. 16.31, 16.32 and 16.34. Former Ch. 16.31, §§ 16.31.010—16.31.100, pertained to the Employment Industrial district, and derived from Ord. 2010-014, adopted October 5, 2010. See Chs. 16.32 and 16.34 for specific derivation.

16.31.010 - Purpose

- A. Employment Industrial (EI) - The EI zoning district provides employment areas that are suitable for, and attractive to, key industries and industry clusters that have been identified by the State of Oregon and the City's economic development strategy as important to the state and local economy. The following are preferred industry sectors for areas zoned EI: Clean Technology; Technology and Advanced Manufacturing; and Outdoor Gear and Active Wear.

Land zoned EI shall provide for large and medium-sized parcels for industrial campuses and other industrial sites that can accommodate a variety of industrial companies and related businesses. Areas zoned EI are also intended to provide the opportunity for flex building space within small- and medium-sized industrial campuses and business parks to accommodate research and development companies, incubator/emerging technology businesses, related materials and equipment suppliers, and or spin-off companies and other businesses that derive from, or are extensions of, larger campus users and developments. Retail and commercial uses are allowed only when directly supporting area employers and employees.

Industrial establishments and support services shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Hearing Authority.

- B. Light Industrial (LI) - The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Commission.
- C. General Industrial (GI) - The GI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products from previously prepared or raw materials, providing such activities can meet and maintain minimum environmental quality standards and are situated so as not to create significant adverse effects to residential and commercial areas of the City. The minimum contiguous area of any GI zoning district shall be fifty (50) acres.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.020 - Uses

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C) and not permitted (N) in the industrial zoning districts. The specific land use categories are described and defined in Chapter 16.88.
- B. Uses listed in other sections of this Code, but not within this specific table are prohibited.
- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the industrial zones or contribute to the achievement of the objectives of the industrial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88.
- D. Additional limitations for specific uses are identified in the footnotes of this table.

Uses	LI	GI	EI ¹
RESIDENTIAL			
• Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family	P	P	P
CIVIC			
• Hospitals	C	N	N
• Police and fire stations and other emergency services	C	C	C
• Vehicle testing stations	C	C	C
• Postal services - Public	C	C	C
• Postal substations when located entirely within and incidental to a use permitted outright	C	C	C
• Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards	P	P	P
• Small-scale power generation facilities	P	P	P
• Large-scale power generation facilities	C	P	C
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	C	C

COMMERCIAL			
• Commercial Trade Schools, commercial educational services and training facilities	P	P	C
Entertainment/recreation			
• Country clubs, sports and racquet clubs and other similar clubs	C	C	C
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities ^{2,3}	C	C	C
Motor Vehicle related			
• Motorized vehicle and sport craft repairs and service	C	C	N
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally	P	P	P
• Automotive, boat, trailer and recreational vehicle storage	C	C	N
• Vehicle fueling stations or car wash facilities ⁴	C	C	C
• junkyards and salvage yards	N	N	N
• Manufactures home sales and display area	N	N	N
Office and Professional Support services			
• Business and professional offices ⁵	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities ⁶	P	P	C
• Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building	C	C	C
Childcare			
• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use	P	P	P

• Day cares, preschools, and kindergartens as a stand-alone use ⁶	C	C	C
General Retail - sales oriented			
• Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business ⁷	P	P	P
• Medical marijuana dispensary, not exceeding 3,000 square feet of gross square footage	P ¹⁰	P ¹⁰	N
• Tool and equipment rental and sales, including truck rental ⁷	P	P	P
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)	P	P	N
• Wholesale building material sales and service	C	P	N
• Retail building material sales and lumberyards ⁷	C	P	N
Personal Services			
• Health clubs and studios less than 5,000 square feet in size	P	P	P
• Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services ⁸	C	C	C
• Public or commercial parking (non- accessory)	N	N	N
• Veterinarian offices and animal hospitals	C	C	C
• Animal boarding/Kennels and daycare facilities with outdoor recreation areas ⁸	C	C	C
Eating and Drinking establishments:			
• Restaurants, taverns, and lounges without drive-thru ⁷	C	C	C
• Restaurants with drive-thru services	N	N	N
INDUSTRIAL			

• Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	P	P	P
• Medical or dental laboratories	P	P	P
• Laboratories (not medical or dental)	P	P	P
• mini-warehousing or self-storage	N	P	N
• Distribution, warehousing and storage associated with a permitted use	P	P	P
• <u>Distribution and warehousing up to _____ square feet, provided product(s) are stored within an enclosed building</u>	<u>N</u>	<u>P</u>	<u>P</u>
• <u>Distribution and warehousing greater than _____ square feet provided product(s) are stored within an enclosed building</u>	<u>N</u>	<u>P</u>	<u>C</u>
• Research and development and associated manufacturing	P	P	P
• Contractors' storage and equipment yards, building maintenance services, and similar uses	C	P	N
• Laundry, dry cleaning, dyeing, or rug cleaning plants	C	P	N
Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:			
• <u>Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products contained wholly within an enclosed building</u> Food products provided there is no exterior odor, noise or storage and not otherwise regulated elsewhere in the code, appliances, textiles and fiber products, pottery, glass and previously pulverized clay ceramics, small electronics, communication equipment, instruments, toys, novelties, electronics components, maintenance equipment, vending machines, cosmetics, chemicals and other small products and tools manufactured from previously prepared or semi-finished materials	P	P	NP
<u>Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products not otherwise prohibited elsewhere in the code (outside storage possible and other off-site impacts compliant with local, state and federal regulations,</u> appliances, textiles and fiber products, pottery, glass and previously pulverized clay ceramics, small	<u>N</u>	<u>P</u>	<u>C</u>

electronics, communication equipment, instruments, toys, novelties, electronics components, maintenance equipment, vending machines, cosmetics, chemicals and other small products and tools manufactured from previously prepared or semi-finished materials			
Pharmaceuticals in facilities up to 50,000 square feet building size	P	P	P
Pharmaceuticals in facilities larger than 50,000 square feet building size	N	C	N
Building components, furniture, fixtures, signs	P	P	N
Non-motorized recreational vehicles and equipment	P	P	N
Manufactured homes, farm equipment, and greenhouses	N	P	N
• Any non-toxic materials or products made of metal, paper, wood, plastic, stone, fabric or other materials or products not otherwise permitted in the zone	P	P	N
Renewable energy/energy efficiency, sustainable environmental products, advanced manufacturing, high technology, biotechnology, sports apparel and other recreational products	P	P	P
• Acids, paints, dyes, paints, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals	N	C	N
• Toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community	N	N	N
• Sawmills	C	C	N
• Pulp and paper mills	N	N	N
• Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products	N	N	N
• Metal rolling and extraction mills, forge plants, smelters and blast furnaces	N	N	N

• Meat, fish, poultry and tannery processing	N	N	N
• Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants	N	C	N
• Solid waste transfer stations	N	C	N
• General purpose solid waste landfills,-incinerators, and other solid waste facilities	N	N	N
• Manufacture of biomedical compounds as regulated by the U.S. Food and Drug Administration	N	C	N ^[JH1]
WIRELESS COMMUNICATION FACILITIES			
• Radio, television, and similar communication stations, including associated transmitters	C	C	C
• Wireless communication towers ⁹ and transmitters	C	C	C
• Wireless communication facilities on City-owned property	C	C	C
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure	P	P	P
OTHER			
Agricultural uses including but not limited to:			
• Farm equipment sales and rentals	N	N	N
• Farming and horticulture	P	P	P
• Raising of animals other than household pets	N	N	N
• Truck and bus yards	N	P	N

¹ See special criteria for the EI zone, 16.31.030 and the Tonquin Employment Area (TEA), 16.31.040.

²If use is mixed with another, such as a restaurant, it is considered secondary to that use and permitted, provided it occupies less than fifty (50) percent of the total area.

³ Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

⁴ Limited to Cardlock, ~~or~~ wholesale or facilities incidental to and solely serving an associated permitted or conditional use- no public retail fuel sales.

⁵ Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

⁶ Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

⁷ Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

⁸ Animal boarding/kennels and daycare facilities entirely within an enclosed building are considered "other personal service."

⁹ Except for towers located within one thousand (1,000) feet of the Old Town District which are prohibited.

¹⁰ See Special Criteria for Medical Marijuana Dispensary under Section 16.38.020.

(Ord. No. 2015-005, § 2, 5-5-2015; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2012-011, § 2, 8-7-2012)

16.31.030 - Development Standards

A. Generally

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84 (Variances and Adjustments).

B. Development Standards

Except as otherwise provided, required minimum lot areas and dimensions and setbacks shall be:

Development Standards by Zone	EI	LI	GI
Lot area- Industrial Uses:	3 acres ⁹	10,000 SF	20,000 SF
Lot area- Commercial Uses (subject to Section 16.31.050):	10,000 SF	10,000 SF	20,000 SF
Lot width at front property line:	100 feet		

Lot width at building line:	100 feet		
Front Yard Setback ¹¹	20 feet	20 feet	None
Side Yard Setback ¹⁰	None	None	None
Rear Yard Setback ¹¹	None	None	None
Corner lot street side ¹¹	20 feet	20 feet	None
Height ¹¹	50 feet		

⁹ Lots within the EI zone that were legal lots of record prior to October 5, 2010 and smaller than the minimum lot size required in the table below may be developed if found consistent with other applicable requirements of Chapter 16.31 and this Code. Further subdivision of lots smaller than three (3) acres shall be prohibited unless Section 16.31.050 applies.

¹⁰ When a yard is abutting a residential zone or public park, there shall be a minimum setback of forty (40) feet provided for properties zoned Employment Industrial and Light Industrial Zones, and a minimum setback of fifty (50) feet provided for properties zoned General Industrial.

¹¹ Structures located within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone.

16.31.040 - Employment Industrial (EI) Restrictions

A. Use Restrictions

1. Retail and professional services that cater to daily customers, such as restaurants and financial, insurance, real estate, legal, medical and dental offices, shall be limited in the EI zone.
 - a. New buildings for stores, branches, agencies or other retail uses and services shall not occupy more than five thousand (5,000) square feet of sales or service area in a single outlet and no more than twenty thousand (20,000) square feet of sales or service area in multiple outlets in the same development project, and
 - b. New buildings for stores, branches, agencies or other retail uses and services shall not be located on lots or parcels smaller than five (5) acres in size. A "development project" includes all improvements proposed through a site plan application.
2. Notwithstanding the provisions of Section 16.31.050 "Commercial Nodes Use Restrictions", commercial development permitted under 16.31.050(1)(a) may only be proposed concurrent with or after industrial development on the same parcel. Commercial development may not occur prior to industrial development on the same parcel.

B. Land Division Restrictions

1. Lots of record prior to October 5, 2010 that are smaller than the minimum lot size required in the EI zone may be developed if found consistent with other applicable requirements of Chapter

16.31 and this code. Further subdivision of lots smaller than three (3) acres shall be prohibited unless Section 16.31.050 applies.

2. Lots or parcels larger than fifty (50) acres may be divided into smaller lots and parcels pursuant to a Planned Unit Development approved by the city so long as the resulting division yields at least one (1) lot or parcel of at least 50 acres in size.
3. Lots or parcels fifty (50) acres or larger, including those created pursuant to subsection (2) above, may be divided into any number of smaller lots or parcels pursuant to a Planned Unit Development approved by the city so long as at least forty (40) percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.050 - Tonquin Employment Area (TEA) Commercial Nodes Use Restrictions

- A. Within the Tonquin Employment Area (TEA), only commercial uses that directly support industrial uses located within the TEA are permitted as conditional uses.
- B. Commercial development, not to exceed a total of five (5) contiguous acres in size, may be permitted.
- C. Commercial development may not be located within three hundred (300) feet of SW 124th Avenue or SW Oregon Street, and must be adjacent to the proposed east-west collector street.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.060 - Community Design

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, the applicable provisions of Divisions V, VIII and IX will apply.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.070 - Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. No. 2012-011, § 2, 8-7-2012)

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Meeting
January 26, 2016

Planning Commissioners Present:

Chair Jean Simson
Vice Chair Russell Griffin
Commissioner Chris Flores
Commissioner Alan Pearson
Commissioner Lisa Walker

Staff Present:

Tom Pessemier, Assistant City Manager
Julia Hajduk, Community Development Director
Brad Kilby, Planning Manager
Michelle Miller, Senior Planner
Kirsten Allen, Planning Dept. Program Coordinator

Planning Commission Members Absent:

Commissioner Michael Meyer
Commissioner Rob Rettig

Council Members Present:

Councilor Sally Robinson

Work Session

1. Call to Order

Chair Jean Simson convened the meeting at 6:15 pm and asked for announcements.

2. Council Liaison Announcements

Councilor Sally Robinson established that the City Council had voted to send a ban on recreational marijuana to the voters in the November 2016 general election because a majority of the voters in Sherwood had voted against legalizing recreational marijuana. She said if the ban failed there was also a 3% marijuana sales tax on the ballot.

3. Staff Announcements

Brad Kilby, Planning Manager, reported the Associate Planner Connie Randall had accepted a permanent position with the City of Wilsonville and announced the following schedule:

- Industrial Uses code changes work session on February 9, 2016,
- renowned public speaker Joe Minicozzi on February 10, 2016 at the Beaverton Library
- Smart Growth Conference on February 11-12, 2016. Two Planning Commissioners invited to attend
- Sherwood West Preliminary Concept Plan public hearing with City Council on February 16, 2016
- Mandel Subdivision for 86 lots public hearing with Planning Commission on February 23, 2016

Mr. Kilby noted some success had been reached by the Planning Department by the use of Facebook and Twitter social media. (Facebook: City of Sherwood, Oregon Government/ Twitter: @CitySherwood).

4. Recreational Marijuana

Michelle Miller, Senior Planner gave a presentation (see record, Exhibit 1) and said the code amendments for recreational marijuana were expected to be in place by November 2016. She included a brief history of Oregon Measure 91 and said OLCC had developed rules for recreational marijuana. Ms. Miller reminded the Commission that time, place and manner regulations could be adopted by the city and discussed the work plan and timeline of moving the legislation forward. The Commission indicated they wanted feedback from City Council and asked for a joint work session with the Police Advisory Board.

5. Industrial Land Use Districts Development Code

Julia Hajduk, Community Development Director, reviewed the Public work session held on January 12, 2016 and explained that code language changes were based on feedback received at the meeting. She went over many of the sections that had been amended. Tom Pessemier, Assistant City Manager gave input from an economic development outlook and briefly discussed the State of Oregon "shovel-ready" program. Discussion followed with an emphasis on establishing language that would clarify permitted uses and allow development in the constrained land found in the Employment Industrial zone.

6. Adjourn

Chair Simson adjourned the meeting at 8:25 pm.

Submitted by:



Kirsten Allen, Planning Department Program Coordinator

Approval Date:

