



Home of the Tualatin River National Wildlife Refuge

ORDINANCE 2016-012

AMENDING MULTIPLE SECTIONS OF THE ZONING AND COMMUNITY DEVELOPMENT CODE INCLUDING DIVISIONS I, II, AND III AS IT RELATES TO THE REGULATION OF RECREATIONAL MARIJUANA FACILITIES

WHEREAS, Measure 91, which the voters adopted in November 2014, directs the Oregon Liquor Control Commission to license the production, processing, testing, wholesale, and retail sale of recreational marijuana; and

WHEREAS, the Oregon Legislature approved HB 3400 and HB 2041, which allowed recreational marijuana facilities to be located in areas zoned for commercial, industrial, or mixed use, and marijuana producers to also be allowed within the residential zones; and

WHEREAS, ORS 475B.500 authorizes local jurisdictions to regulate recreational marijuana facilities by imposing reasonable time, place and manner restrictions on their operations; and

WHEREAS, the City Council adopted an ordinance referring the question of whether to prohibit recreational marijuana facilities within the City of Sherwood to voters at the November 8, 2016 election, and that ordinance also imposes a moratorium on the siting of recreational marijuana facilities within the City of Sherwood pending the outcome of the November 8, 2016 election; and

WHEREAS, the City Council believes it is in the best interest of the health, safety and welfare of the citizens of Sherwood to establish reasonable time, place and manner regulations concerning recreational marijuana facilities in the event that voters do not ban recreational marijuana facilities in Sherwood in November; and

WHEREAS, the Planning Commission conducted a public hearing on July 26, 2016, and after testimony from the public and staff, voted unanimously to forward a recommendation of approval to the City Council for the proposed Zoning and Community Development Code amendments regulating recreational marijuana facilities; and

WHEREAS, the proposed amendments were reviewed for compliance and consistency with the Comprehensive Plan, regional and state regulations and found to be fully compliant; and

WHEREAS, the proposed amendments were subject to full and proper notice and review and a public hearing before the Planning Commission on July 26, 2016; and

WHEREAS, the analysis and findings to support the Planning Commission recommendation are identified in the City Council Staff Report; and

WHEREAS, the City Council held public hearings on August 16, 2016 and September 6, 2016 and determined that the proposed changes to the Development Code met the applicable Comprehensive Plan criteria and continue to be consistent with regional and state standards.

NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1. Findings After full and due consideration of the application, the Planning Commission recommendation, identified as Attachment 1 to the staff report of August 16, 2016, the record, findings, and evidence presented at the public hearings, the City Council adopts the findings of fact contained in the Planning Commission recommendation, finding that the text of the SZCDC shall be amended as documented in attached Exhibit 1.

Section 2. Approval The proposed amendment for Recreational Marijuana Facilities Plan Text Amendment (PA) 16-05 identified in Exhibit 1 is hereby **APPROVED**.

Section 3. Manager Authorized The Planning Department is hereby directed to take such action as may be necessary to document this amendment, including notice of adoption to DLCDC and necessary updates to Chapter 16 of the Municipal Code in accordance with City ordinances and regulations.

Section 4. Applicability The amendments to the City of Sherwood Zoning and Community Development Code by Sections 1 to 3 of this Ordinance apply to all land use applications submitted beginning on the effective date of this Ordinance.

Section 5. Effective Date This ordinance shall become effective upon certification of the November 8, 2016 elections results, if and only if the results are such that the measure prohibiting the establishment of recreational marijuana facilities in Sherwood does not receive the affirmative majority of the total number of votes cast thereon.

Duly passed by the City Council this 6th day of September 2016.


Krisanna Clark, Mayor 9-6-16
Date

Attest:


Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Brouse	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robinson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kuiper	<input checked="" type="checkbox"/>	<input type="checkbox"/>
King	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Clark	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Note: footnotes are excluded in the following use tables. No changes are proposed to the footnotes as they currently exist in the City's code.

CHAPTER 16.10 DEFINITION

Exhibit 1

16.10.020 Definitions

ADD the following:

Marijuana Processing: A building or structure used in whole or in part for processing marijuana as defined in Chapter 614, Oregon Laws 2015 as the processing, compounding or conversion of marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extracts, and which is licensed by the Oregon Liquor Control Commission. Processing does not include packaging or labeling.

Marijuana Production: A building or structure used in whole or in part for producing marijuana as defined in Chapter 614, Oregon Laws 2015, as the manufacture, planting, cultivation, growing or harvesting of marijuana, and which is licensed by the Oregon Liquor Control Commission. Producing does not include drying or cultivation of immature plants received from a producer, or the cultivation and growing of an immature marijuana plant by a processor, wholesaler, or retailer if that party purchased or otherwise received the plant from a licensed producer.

Marijuana Retail Sales: A building or structure used in whole or in part for retail sales to a consumer of marijuana, cannabinoid products, and miscellaneous items, and which is licensed by the Oregon Liquor Control Commission.

Marijuana Testing Laboratories: A building or structure used in whole or in part for testing of marijuana items, and which is licensed by the Oregon Liquor Control Commission.

Marijuana Wholesale Operations: A building or structure used in whole or in part for wholesale distribution of marijuana, cannabinoid products, and miscellaneous items to a person other than a consumer, and which is licensed by the Oregon Liquor Control Commission.

CHAPTER 16.12 RESIDENTIAL LAND USE DISTRICT

16.12.020 - Allowed Residential Land Uses

A. Residential Land Uses

The table below identifies the land uses that are allowed in the Residential Districts. The specific land use categories are described and defined in Chapter 16.10.

RESIDENTIAL LAND USES	VLDR	LDR	MDRL	MDRH	HDR
RESIDENTIAL					
• Single-Family Attached or Detached Dwellings	P	P	P	P	P
• Two Family Dwelling Units	N	N	P	P	P
• Multi-family Dwellings	N	N	N	P	P
• Townhomes-subject to Chapter 16.44	N	N	N	P	P
• Planned Unit Developments (PUDs)-subject to Chapter 16.40	P	P	P	P	P
• Manufactured Homes on Individual Lots	P	P	P	P	P
• Manufactured Home Park-subject to Chapter 16.46	N	N	P	P	N
• Accessory Dwelling Unit-subject to Chapter 16.52	P	P	P	P	P
• Group Homes	P	P	P	P	P
• Government-Assisted housing	P	P	P	P	P

Whereas P=Permitted, C=Conditional, N=Not Allowed
VLDR=VERY LOW DENSITY RESIDENTIAL, LDR=LOW DENSITY RESIDENTIAL, MDRL=MEDIUM DENSITY RESIDENTIAL, MDRH=MEDIUM DENSITY RESIDENTIAL, HDR=HIGH DENSITY RESIDENTIAL

RESIDENTIAL LAND USES	VLDR	LDR	MDRL	MDRH	HDR
ACCESSORY USES					
• Home Occupations-subject to Chapter 16.42	P	P	P	P	P
• Temporary Uses-subject to Chapter 16.86	P	P	P	P	P
• Amateur Radio Tower-subject to § 16.12.060	P	P	P	P	P
• Family Daycare Providers	P	P	P	P	P
COMMERCIAL USES					
• Agricultural Uses	P	P	P	P	P
• Residential Care Facilities	P	P	P	P	P
• Special Care Facilities (such as hospitals, sanitariums, and specialized living facilities)	C	C	C	C	P
• Plant Nurseries	C	C	C	C	C
• Public and Private Schools	C	C	C	C	C
• Daycare Facilities	C	C	C	C	C
• Any business, service, processing, storage, or display not conducted entirely within an enclosed building that is essential or incidental to any permitted or conditional use	C	C	C	C	C
• Raising of Animals other than Household Pets	C	C	C	C	C
• Recreational Marijuana Processing or Production- not for personal use or consumption	N	N	N	N	N
Whereas P=Permitted, C=Conditional, N=Not Allowed					
VLDR=VERY LOW DENSITY RESIDENTIAL, LDR=LOW DENSITY RESIDENTIAL, MDRL=MEDIUM DENSITY RESIDENTIAL LOW, MDRH=MEDIUM DENSITY RESIDENTIAL HIGH, HDR=HIGH DENSITY RESIDENTIAL					

RESIDENTIAL LAND USES	VLDR	LDR	MDRL	MDRH	HDR
CIVIC					
• Religious Institutions, Private Fraternal Organizations and Lodges, Country clubs or other similar clubs	C	C	C	C	C
• Public Recreational Facilities	P	P	P	P	P
• Cemeteries and crematory mausoleums	C	C	C	N	N
• Civic Buildings-(such as police and fire stations, post office)	C	C	C	C	C
• Public Use Buildings-(such as libraries, and community centers)	C	C	C	C	C
• Golf Courses	C	C	C	C	C
• Basic Utilities (such as electric substations, public works yard)	C	C	C	C	C
• Radio and communications stations, on lots with a minimum width and depth equal to the height of any tower in conformance	C	C	C	C	C
Whereas P=Permitted, C=Conditional, N=Not Allowed					
VLDR=VERY LOW DENSITY RESIDENTIAL, LDR=LOW DENSITY RESIDENTIAL, MDRL=MEDIUM DENSITY RESIDENTIAL LOW, MDRH=MEDIUM DENSITY RESIDENTIAL HIGH, HDR=HIGH DENSITY RESIDENTIAL					

CHAPTER 16.22 COMMERCIAL LAND USE DISTRICTS

16.22.020 - Uses

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C), and not permitted (N) in the Commercial Districts. The specific land use categories are described and defined in Chapter 16.88 Use Classifications and Interpretations.
- 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 commercial zones or contribute to the achievement of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88 Use Classifications and Interpretations.
- D. Additional limitations for specific uses are identified in the footnotes of this table.

COMMERCIAL LAND USES	OC	NC	RC	GC
RESIDENTIAL				
• Multi-family housing, subject to the dimensional requirements of the High Density Residential (HDR) zone in 16.12.030 when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings.	P	P	P	P
• Residential care facilities	N	N	C	C
• Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the City.	P	P	P	P
CIVIC				
• Hospitals	N	N	C	C
• Correctional institutions	N	N	N	C
• Cemeteries and crematory mausoleums.	N	N	C	C
• Police and fire stations and other emergency services	N	C	C	C
• Vehicle testing stations	N	N	N	C
• Postal services - Public	N	C	C	C
• Postal substations when located entirely within and incidental to a use permitted outright.	P	P	P	P
• Public use buildings, including but not limited to libraries, museums, community centers, and senior centers, but excluding offices	C	C	C	C
Whereas P=Permitted, C=Conditional, N=Not Allowed				
OC=OFFICE COMMERCIAL, NC=NEIGHBORHOOD COMMERCIAL, RC=RETAIL COMMERCIAL, GC=GENERAL COMMERCIAL				

COMMERCIAL LAND USES	OC	NC	RC	GC
• Small-scale power generation facilities.	P	P	P	P
• Large-scale power generation facilities.	N	N	N	C
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	N	C	C
• Religious institutions, private fraternal organizations, lodges and secondary uses	C	N	P	P
• Public and private schools providing education at the elementary school level or higher	C	C	C	C
COMMERCIAL				
• Commercial trade schools, commercial educational services and training facilities	C	N	P	P
Entertainment/recreation				
• Adult entertainment business, subject to Section 16.54.010	N	N	N	P
• Drive-in motion picture theaters	N	N	N	N
• Motion picture and live theaters within enclosed building	N	N	P	P
• Country clubs, sports and racquet clubs and other similar clubs.	N	N	C	C
• Golf courses	N	N	N	N
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities	N	N	P	P
• Hotels and motels	C	N	P	P
Whereas P=Permitted, C=Conditional, N=Not Allowed				
OC=OFFICE COMMERCIAL, NC=NEIGHBORHOOD COMMERCIAL, RC=RETAIL COMMERCIAL, GC=GENERAL COMMERCIAL				

COMMERCIAL LAND USES	OC	NC	RC	GC
Motor Vehicle-related				
• Motorized vehicle and sport craft repairs and service	N	C	C	P
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally	C	C	P	P
• Motorized vehicle, sport craft and farm equipment rental or sales and display area with more than 5% external sales and display area, up to a maximum of 5,000 square feet.	N	N	N	C
• Motorized vehicle, sport craft and farm equipment rental or sales and display area primarily within entirely enclosed building with no more than 5% or 5,000 square feet of outdoor display area, whichever is less.	N	N	C	P
• Automotive, boat, trailer and recreational vehicle storage	N	N	N	N
• Vehicle fueling stations or car wash facilities	N	N	C	P
• Junkyards and salvage yards	N	N	N	N
• Manufactures home sales and display area	N	N	N	N
Office and Professional Support Services				
• Business and professional offices.	P	P	P	P
• Medical and dental offices and urgent care facilities	P	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities	P	P	P	P
<p>Whereas P=Permitted, C=Conditional, N=Not Allowed</p> <p>OC=OFFICE COMMERCIAL, NC=NEIGHBORHOOD COMMERCIAL, RC=RETAIL COMMERCIAL, GC=GENERAL COMMERCIAL</p>				

COMMERCIAL LAND USES	OC	NC	RC	GC
<ul style="list-style-type: none"> 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	C
Childcare				
<ul style="list-style-type: none"> Day cares, preschools, and kindergartens, when clearly secondary to a permitted use 	P	P	P	P
<ul style="list-style-type: none"> Day cares, preschools, and kindergartens as a stand-alone use. 	N	P	P	P
General Retail - sales oriented				
<ul style="list-style-type: none"> General retail trade, not exceeding 10,000 square feet of gross square footage. 	P	P	P	P
<ul style="list-style-type: none"> General retail trade greater than 10,000 square feet of gross square footage 	N	P	P	P
<ul style="list-style-type: none"> Tool and Equipment Rental and Sales, Including Truck Rental 	N	N	C	P
<ul style="list-style-type: none"> Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries) 	N	N	P	P
<ul style="list-style-type: none"> Wholesale building material sales and service 	N	N	N	P
<ul style="list-style-type: none"> Retail building material sales and lumberyards. 	N	N	C	P
<ul style="list-style-type: none"> Recreational Marijuana Wholesale Operations- subject to Chapter 16.38.030 	N	N	N	P
<ul style="list-style-type: none"> Recreational Marijuana Retail Sales- subject to Chapter 16.38.030 	N	N	N	P
Whereas P=Permitted, C=Conditional, N=Not Allowed OC=OFFICE COMMERCIAL, NC=NEIGHBORHOOD COMMERCIAL, RC=RETAIL COMMERCIAL, GC=GENERAL COMMERCIAL				

COMMERCIAL LAND USES	OC	NC ¹	RC	GC
Personal Services				
• Health clubs and studios less than 5,000 square feet in size.	P	P	P	P
• Health clubs and studios greater than 5,000 square feet in size	N	N	C	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.	N	P	P	P
• Public or commercial parking (non-accessory)	C	C	P	P
• Veterinarian offices and animal hospitals.	N	N	C	P
• Animal boarding/Kennels and daycare facilities with outdoor recreation areas ⁶	N	N	C	C
Eating and Drinking establishments				
• Restaurants, taverns, and lounges without drive-thru	P	C	P	P
• Restaurants with drive-thru services	N	N	P	P
INDUSTRIAL				
• Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	N	C	C	P
• Recreational Marijuana Processing or Production- subject to Chapter 16.38.030	N	N	N	N
• Recreational Marijuana Laboratory or Testing Facility- subject to Chapter 16.38.030	N	P	P	P
• Medical or dental laboratories	N	N	C	P
Whereas P=Permitted, C=Conditional, N=Not Allowed				
OC=OFFICE COMMERCIAL, NC=NEIGHBORHOOD COMMERCIAL, RC=RETAIL COMMERCIAL, GC=GENERAL COMMERCIAL				

COMMERCIAL LAND USES		OC	NC ¹	RC	GC
WIRELESS COMMUNICATION FACILITIES					
• Radio, television, and similar communication stations, including associated transmitters.		N	N	N	C
• Wireless communication towers and transmitters ⁸		C	C	C	C
• Wireless communication facilities on City-owned property		P	P	P	P
• 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	P
OTHER					
Agricultural uses including but not limited to:					
• Farm equipment sales and rentals		N	N	P	P
• Farming and horticulture					
• Truck and bus yards		N	N	N	P
Whereas P=Permitted, C=Conditional, N=Not Allowed					
OC=OFFICE COMMERCIAL, NC=NEIGHBORHOOD COMMERCIAL, RC=RETAIL COMMERCIAL, GC=GENERAL COMMERCIAL					

Chapter 16.31 - INDUSTRIAL LAND USE DISTRICTS

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.

INDUSTRIAL LAND USES	LI	GI	EI ¹
RESIDENTIAL			
• Single 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	C
• 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	C	C	C
Whereas P=Permitted, C=Conditional, N=Not Allowed			
LI=LIGHT INDUSTRIAL, GI=GENERAL INDUSTRIAL, EI=EMPLOYMENT INDUSTRIAL			

INDUSTRIAL LAND USES	LI	GI	EI ¹
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	C
• Vehicle fueling stations or car wash facilities	C	C	C
• Junkyards and salvage yards	N	N	N
• Manufactured home sales and display area	N	N	N
Office and Professional Support Services			
• Business and professional offices	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities ³	P	P	P
• 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	P	P	P
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	C	C	C
Whereas P=Permitted, C=Conditional, N=Not Allowed			
LI=LIGHT INDUSTRIAL, GI=GENERAL INDUSTRIAL, EI=EMPLOYMENT INDUSTRIAL			

INDUSTRIAL LAND USES				LI	GI	EI ¹
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				P	P	P
• Medical marijuana dispensary, not exceeding 3,000 square feet of gross square footage				P ⁶	P ⁶	N
• Tool and equipment repair, 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 lumber yards				C	P	N
• Recreational Marijuana Retail Sales- subject to Chapter 16.38.030				P	P	P
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				C	C	C
• Public or commercial parking (non- accessory)				N	N	N
• Veterinarian offices and animal hospitals				C	C	C
• Animal boarding/Kennels and pet daycare facilities with outdoor recreation areas				C	C	C
Whereas P=Permitted, C=Conditional, N=Not Allowed						
LI=LIGHT INDUSTRIAL, GI=GENERAL INDUSTRIAL, EI=EMPLOYMENT INDUSTRIAL						

INDUSTRIAL LAND USES	LI	GI	EI ¹
Eating and Drinking Establishments			
• Restaurants, taverns, and lounges without drive-thru	C	C	C
• Restaurants with drive-thru services	N	N	N
• On-site cafeteria that is secondary to, and serving employees of, a permitted use	P	P	P
INDUSTRIAL			
• Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products contained wholly within an enclosed building provided exterior odor and noise is consistent with municipal code standards and there is no unscreened storage and not otherwise regulated elsewhere in the code	P	P	P
• Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products not otherwise prohibited elsewhere in the code provided other off-site impacts are compliant with local, state and federal regulations.	C	P	C
• Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of acids, paints, dyes, paints, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals	N	C	N
• Distribution, warehousing and storage associated with a permitted use operating on the same site	P	P	P
• Distribution and warehousing up to 150,000 square feet, provided product(s) are stored within an enclosed building ⁹	P	P	P
• Distribution and warehousing greater than 150,000 square feet provided product(s) are stored within an enclosed building	N	P	C
• Recreational Marijuana Laboratory or Testing Facility subject to Chapter 16.38.030	P	P	P
• Recreational Marijuana Wholesale Operations- subject to Chapter 16.38.030	P	P	P
• Recreational Marijuana Processing- subject to Chapter 16.38.030	P	P	P
• Recreational Marijuana Production- subject to Chapter 16.38.030	P	P	N
Whereas P=Permitted, C=Conditional, N=Not Allowed			
LI=LIGHT INDUSTRIAL, GI=GENERAL INDUSTRIAL, EI=EMPLOYMENT INDUSTRIAL			

INDUSTRIAL LAND USES	LI	GI	EI ¹
• Mini-warehousing or self-storage	N	P	N
• Medical or dental laboratories, including biomedical compounding	P	P	P
• Laboratories (not medical or dental)	P	P	P
• Research and development and associated manufacturing	P	P	P
• Contractors' storage and equipment yards,	C	P	C ⁴
• Building, heating, plumbing or electrical contractors and suppliers, building maintenance services, and similar uses ¹⁰	P	P	P
• Industrial laundry, dry cleaning, dyeing, or rug cleaning plants	C	P	N
• Sawmills	C	C	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
Whereas P=Permitted, C=Conditional, N=Not Allowed			
LI=LIGHT INDUSTRIAL, GI=GENERAL INDUSTRIAL, EI=EMPLOYMENT INDUSTRIAL			

Chapter 16.38 –Special Uses

16.38.010 - General Provisions

Special uses included in this Section are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These conditions and standards may differ from the development standards established for other uses in the same zoning district. When a dimensional standard for a special use differs from that of the underlying zoning district, the standard for the special use shall apply.

16.38.020 - Medical Marijuana Dispensary

A. Characteristics

1. A medical marijuana dispensary is defined in Section 16.10.020.
2. Registration and Compliance with Oregon Health Authority Rules. A medical marijuana dispensary must have a current valid registration with the Oregon Health Authority under ORS 475.314. Failure to comply with Oregon Health Authority regulations is a violation of this Code.

B. Approval Process

Where permitted, a medical marijuana dispensary is subject to approval under Section 16.72.010.A.2, the Type II land use process.

C. Standards

1. Hours of Operation. A medical marijuana dispensary may not be open to the public before 10:00 a.m. and not later than 8:00 p.m. all days of the week.
2. Security Measures Required
 - a. Landscaping must be continuously maintained to provide clear lines of sight from a public right of way to all building entrances.
 - b. Exterior lighting must be provided and continuously maintained.
 - c. Any security bars installed on doors or windows visible from a public right of way must be installed interior to the door or window, in a manner that they are not visible from the public right of way.
3. Co-location Prohibited
 - a. A medical marijuana dispensary may not be located at the same address as a marijuana manufacturing facility, including a grow operation.
 - b. A medical marijuana dispensary may not be located at the same address with any facility or business at which medical marijuana is inhaled or consumed by cardholders.
4. Mobile and Delivery Businesses Prohibited
 - a. A dispensary may not operate as a mobile business as defined in Section 16.10.020.
 - b. A dispensary may not operate to deliver medical marijuana.
5. Drive-Through and Walk-Up. A medical marijuana dispensary may not engage in product sales outside of the facility or building through means of a walk-up window or drive-through access.
6. Proximity Restrictions

A medical marijuana dispensary may not be located within 1,000 feet of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between the property lines of the affected properties:

 - a. An educational institution: public or private elementary, secondary, or career school that is attended primarily by children under 18 years of age.
 - b. Another medical marijuana dispensary.
 - c. A public park or plaza.

(Ord. No. 2015-005, § 2, 5-5-2015)

16.38.030 Recreational Marijuana Facilities.

A. Characteristics:

1. Five types of recreational marijuana facilities are defined in Section 16.010.20.
2. Recreational marijuana facilities must be licensed by the Oregon Liquor Control Commission. A facility not licensed by the Oregon Liquor Control Commission is not permitted in any zone.

B. Approval Process. Where permitted, recreational marijuana facilities are subject to approval under 16.72.010.A2, a Type II process in addition to any other required land use review process required by this Code. Applications for approval shall include detailed responses to the applicable standards listed in this section.

C. General Standards for Recreational Marijuana Facilities

1. All new construction of marijuana facilities shall comply with Chapter 16.90, Site Planning.
2. Public Access Prohibited. Access to any production, processing, testing laboratory and wholesale facility shall be limited to employees, personnel, and guests over the age of 21, authorized by the facility operator.
3. Security Measures Required
 - a. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.
 - b. Exterior lighting shall be provided and continuously maintained per Chapter 16.154, Heat and Glare.
 - c. Any security bars installed on doors or windows visible from the public right-of way shall be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.
 - d. No outdoor storage of marijuana, processed marijuana or marijuana waste is allowed at any recreational marijuana facility.
4. Proximity Restrictions. A recreational marijuana production, processing, retail, testing, laboratory or wholesale sales facility shall not be located within 100 feet of any single-family residential or multi-family residential zone. For purposes of this paragraph, the distance specified is measured from the closest points between property lines of the affected properties.
5. No recreational marijuana facility may be located within the Old Town Overlay District.

D. Standards for Marijuana Production and Processing Facilities

1. In production facilities, views from the exterior of the building into the area where marijuana is being grown are prohibited. Views of interior lighting in the production area from the exterior of the building are also prohibited.

2. Only indoor recreational marijuana production is allowed. Exterior growing is prohibited for commercial distribution.
3. Odor Mitigation Measures Required. Production and processing facilities shall install and maintain enhanced ventilation systems sufficiently designed to prevent detection of marijuana odor from adjacent properties and the public right-of-way. Such systems shall include the following features:
 - a. Installation of activated carbon filters on all exhaust outlets to the building exterior;
 - b. Location of exhaust outlets a minimum of 10 feet from the property line and 10 feet above finished grade; and
 - c. Maintenance of negative air pressure within the facility; or
 - d. An alternative odor control system approved by the Building Official based on a report by a mechanical engineer licensed in the State of Oregon, demonstrating that the alternative system will control odor equally or better than the system described in subsections a-c above.

E. Standards for Recreational Marijuana Retail Sales Facilities

1. All new construction of retail marijuana facilities shall comply with Chapter 16.90 Site Planning.
2. Access to a retail marijuana sales facility shall be limited to people over the age of 21.
3. Hours of Operation. Retail sales facilities shall operate only between the hours of 10:00 a.m. to 8:00 p.m. all days of the week. An individual facility may set hours within those specified, but may not be open outside those parameters.
4. Security Measures Required.
 - a. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.
 - b. Exterior lighting shall be provided and continuously maintained consistent with Section 16.154.
 - c. Any security bars installed on doors or windows visible from the public right-of-way shall be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.
5. Mobile or Temporary Businesses Prohibited. A retail sales facility may not operate as a mobile or temporary business as defined in Section 16.10.020.
6. Drive-in or Drive-Through Facilities Prohibited. A retail sales facility shall not have a drive-in or drive-through facility, as defined in Section 16.10.020.

7. Proximity Restrictions. A retail facility shall not be located within the specified proximity of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between property lines of the affected properties.
 - a. Schools. Within 1,000 feet of a public or private elementary or secondary school attended primarily by children under 19 years of age.
 - b. Other Retail Facilities. Within 1,000 feet of another retail recreational marijuana facility or any medical marijuana dispensary.
 - c. Public Plazas and Active Use Parks. Within 1,000 feet of a public plaza or active use park. As used in this paragraph, an active use park includes a park which includes features such as playground equipment, athletic courts or fields, active use water features, or skating or skateboard features that is generally open to the public for park use.
8. No marijuana retail facility may be over 3,000 square feet in area used for the display of retail marijuana and marijuana related products.

16.72.010 - Generally

A. Classifications

Except for Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

2. Type II

The following quasi-judicial actions shall be subject to a Type II review process:

- a. Land Partitions
- b. Expedited Land Divisions - The Planning Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Zoning and Community Development Code. Conditions may be imposed by the Planning Director if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code.
- c. "Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to a Conditional Use Permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010.A.4.

- d. "Design Upgraded" Site Plan review, defined as those site plan applications which propose between 15,001 and 40,000 square feet of floor area, parking or seating capacity and which propose a minimum of eighty percent (80%) of the total possible points of design criteria in the "Commercial Design Review Matrix" found in Section 16.90.020.D.6.d.
- e. Industrial "Design Upgraded" projects, defined as those site plan applications which propose between 15,001 and 60,000 square feet of floor area, parking or seating capacity and which meet all of the criteria in Section 16.90.020.D.7.b.
- f. Homeowner's association street tree removal and replacement program extension.
- g. Class B Variance
- h. Street Design Modification
- i. Subdivisions between 4—10 lots
- j. Medical Marijuana Dispensary Permit
- k. Recreational Marijuana Facilities