



## ORDINANCE 2018-008

### **AMENDING SECTIONS OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE INCLUDING DIVISION I AND II AS IT RELATES TO THE REGULATION OF MEDICAL MARIJUANA DISPENSARIES**

**WHEREAS**, the City of Sherwood adopted Ordinance 2015-005 amending multiple sections of the Sherwood Zoning and Community Development Code relating to the regulation of medical marijuana facilities; and

**WHEREAS**, State law at that time provided that recreational marijuana facilities were regulated by OLCC and medical marijuana facilities were regulated by OHA, and the City's code was drafted accordingly on the basis of which agency regulated them; and

**WHEREAS**, in 2017 the Oregon state legislature approved Senate Bill 56 which allows OLCC to regulate medical marijuana facilities; and

**WHEREAS**, the attached code amendments would serve to continue to permit medical marijuana facilities and prohibit recreational marijuana facilities, but would no longer distinguish between them based on the licensing agency; and

**WHEREAS**, at its meeting on August 28, 2018, the Planning Commission conducted a public hearing, considered the proposed amendments, and recommended that the City Council adopt the proposed amendments; and

**WHEREAS**, the City Council held public hearings on the proposed amendments on September 18, 2018 and October 2, 2018.

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

**Section 1. Findings** After full and due consideration of the application, the Planning Commission recommendation, the record, and evidence presented at the public hearings, the City Council adopts the findings of fact contained in the Planning Commission recommendation, which is included as Attachment 1 to the staff report for this Ordinance, finding that the text of the SZCDC shall be amended to read as documented in Exhibit 1, attached to this Ordinance.

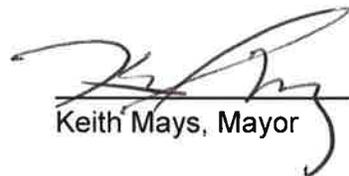
**Section 2. Approval** The proposed amendments to 16.10 (Definitions) and 16.38 (Special Uses) in Exhibit 1, attached to this Ordinance, are hereby **APPROVED**.

**Section 3. Planning Department Authorized** The Planning Department is hereby directed to take such action as may be necessary to document the amendments, including notice of adoption to the Department of Land Conservation and Development (DLCD) 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 adopted by 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 the 30<sup>th</sup> day after its enactment by the City Council and approval by the Mayor.

**Duly passed by the City Council this 2<sup>nd</sup> day of October 2018.**

  
Keith Mays, Mayor

Attest:

  
Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Rosener	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Griffin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brouse	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kuiper	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Garland	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mays	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**AMENDMENTS TO SZCDC CHAPTERS §16.10 (DEFINITIONS) & CHAPTER 16.38, (SPECIAL USES)**

§16.10.020 - Specifically

The following terms shall have specific meaning when used in this Code:

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**Medical Marijuana Dispensary:** A retail facility that is either (1) registered by the Oregon Health Authority or (2) designated as an exclusively medical license holder by the Oregon Liquor Control Commission under ORS 475.B.131, and that is allowed under state law to receive marijuana, immature marijuana plants or usable marijuana products (such as edible products, ointments, concentrates or tinctures) and to transfer that marijuana, immature plants, or usable project to a person with a valid Oregon Medical Marijuana Program card (a patient or the patient's caregiver). A medical marijuana dispensary is not a "recreational retailer" as defined in Sections 3.25.010 or 5.30.010. A medical marijuana dispensary includes all premises, buildings, curtilage or other structures used to accomplish the storage, distribution and dissemination of marijuana.

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§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 and Oregon Liquor Control Commission Rules. A medical marijuana dispensary must have a current valid registration with the Oregon Health Authority under ORS 475B.858 or a current valid designation as an exclusively medical license holder by the Oregon Liquor Control Commission under ORS 475B.131. Failure to comply with Oregon Health Authority and Oregon Liquor Control Commission regulations, as applicable, 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. A medical marijuana dispensary which has already obtained such approval and which is converting from Oregon Health Authority registration to Oregon Liquor Control Commission licensure with an exclusively medical designation, or vice versa, is not required to obtain additional land use approval from the City under this section solely as a result of such license conversion.

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 marijuana is inhaled or consumed.

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 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.