



# Oregon

John A. Kitzhaber, M.D., Governor

**Department of Land Conservation and Development**

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



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

Date: May 01, 2015  
Jurisdiction: City of Milwaukie  
Local file no.: ZA-14-04  
DLCD file no.: 006-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 04/28/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 36 days prior to the first evidentiary hearing.

### Appeal Procedures

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

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

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

### DLCD Contact

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



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

FOR DLCD USE

File No.: 006-14 {22604}

Received: 4/28/2015

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

Jurisdiction: City of Milwaukie

Local file no.: **ZA-14-04**

Date of adoption: 4/07/15

Date sent: 4/28/2015

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

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 12/22/14

No

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

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

No change

Local contact (name and title): Dennis Egner, Planning Director

Phone: 503-786-7654

E-mail: [egnerd@milwaukieoregon.gov](mailto:egnerd@milwaukieoregon.gov)

Street address: 6101 SE Johnson Creek Blvd

City: Milwaukie

Zip: 97206-

### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

#### **For a change to comprehensive plan text:**

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

na

#### **For a change to a comprehensive plan map:**

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

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

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

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary





**CITY OF MILWAUKIE**

*"Dogwood City of the West"*

**Ordinance No. 2094**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON TO AMEND TITLE 19 ZONING TO ALLOW AND REGULATE MEDICAL MARIJUANA FACILITIES IN THE CITY; AND DECLARING AN EMERGENCY. (FILE #ZA-14-04).**

**WHEREAS**, ORS Section 475.314 allows local governments to adopt "reasonable regulations" for medical marijuana facilities that address the location, hours of operation, and manner in which facilities dispense marijuana; and

**WHEREAS**, ORS Section 475.314 sets minimum State requirements for the licensing of medical marijuana facilities and requires that they only be located in commercial and industrial areas and be at least 1,000 feet from schools and 1,000 feet from any other medical marijuana facility; and

**WHEREAS**, it is in the public interest to allow medical marijuana facilities in the city to help meet the needs of Milwaukie citizens who require the use of marijuana for medical purposes; and

**WHEREAS**, the Planning Commission held worksessions on July 22, 2014; August 26, 2014; and January 13, 2015, to develop a draft proposal regulating medical marijuana facilities and concluded that such facilities should be located wherever drug stores or pharmacies are located; and

**WHEREAS**, the Planning Commission held a duly advertised public hearing on the amendments on February 24, 2015, with notice provided per the requirements of the Milwaukie Municipal Code and the Oregon Revised Statutes, and recommended approval; and

**WHEREAS**, the City Council held a duly advertised public hearing with notice provided per the requirements of the Milwaukie Municipal Code and the Oregon Revised Statutes;

**Now, Therefore, the City of Milwaukie does ordain as follows:**

Section 1. Findings. Findings of fact in support of the proposed amendments to Title 19 are attached as Exhibit A.

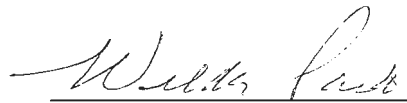
Section 2. Amendments. Title 19 Zoning is amended as described in Exhibit B (strikeout/underline version) and Exhibit C (clean version).

Section 3. Emergency. With the expiration of the moratorium on medical marijuana facilities at 11:59:59 PM on April 30, 2015, this ordinance is necessary for the immediate protection of the public health, safety and general welfare; therefore, an emergency is declared to exist and this ordinance shall become effective on May 1, 2015.

Read the first time on 4/7/15, and moved to second reading by 5:0 vote of the City Council.

Read the second time and adopted by the City Council on 4/7/15.

Signed by the Mayor on 4/7/15.



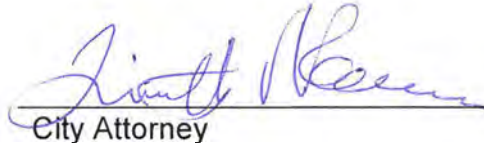
Wilda Parks, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC



Pat DuVal, City Recorder



City Attorney

**Findings in Support of Approval**  
**File ZA-14-04, Zone Text Amendment for Medical Marijuana Facilities**

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision regarding this application.

1. The applicant, the Milwaukie Planning Director, has applied for a zoning ordinance text amendment (File ZA-14-04) to add medical marijuana facilities to the list of permitted uses in the following zones:
  - Residential-Office-Commercial Zone - R-O-C
  - Downtown Storefront - DS
  - Downtown Commercial - DC
  - Downtown Office - DO
  - Downtown Residential - DR
  - Limited Commercial Zone - C-L
  - General Commercial Zone - C-G
  - Community Shopping Commercial Zone - C-CS
  - Manufacturing Zone - M
  - Tacoma Station Area Manufacturing Zone - M-TSA
2. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
  - MMC Section 19.902 Amendments to Maps and Ordinances
  - MMC Section 19.1000 Review Procedures
3. The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. A public hearing before the Planning Commission was held on February 24, 2015 as required by law.
4. MMC Chapter 19.1000 establishes the initiation and review requirements for land use applications. The City Council finds that these requirements have been met as follows.
  - a. MMC Subsection 19.1001.6 requires that Type V applications be initiated by the Milwaukie City Council, Planning Commission, Planning Director, or any individual.

The amendment is proposed by the City of Milwaukie and was initiated by the City Planning Director on December 12, 2014.
  - b. MMC Section 19.1008 establishes requirements for Type V review.
    - (1) MMC Subsection 19.1008.3.A.1 requires opportunity for public comment and review. Opportunity for public comment and review has been provided. Public notice in the form of email to the Neighborhood District Associations, posted notices, and information on the City website have publicized the Planning Commission's hearing on the proposed amendment to encourage comment by any interested party.
    - (2) MMC Subsection 19.1008.3.A.2 requires notice of public hearing on a Type V Review to be posted on the City website and at City facilities that are open to the public. A notice of the Planning Commission's February 24, 2015, hearing was posted at City Hall, the Ledding Library, the Public Service Building, and the City's Johnson Creek Building Offices on January 21, 2015.

- (3) MMC Subsection 19.1008.3.A.2 requires notice be sent to individual property owners if the proposal affects a discrete geographic area. The Planning Director has determined that the proposal affects a large geographic area. Notice to individual property owners was not provided.
  - (4) MMC Subsection 19.1008.3.B and C require notice of a Type V application to be sent to Metro 45 days prior to the first evidentiary hearing and to the Department of Land Conservation and Development 35 days prior to the first evidentiary hearing. This notice was sent to Metro on December 12, 2014 and DLCDC on December 22, 2014.
  - (5) MMC Subsection 19.1008.3.D requires notice to property owners if, in the Planning Director's opinion, the application would affect the permissible uses of land for those property owners. Given that the proposal will expand the range of uses permitted within each of the zones rather than place limits on existing permitted uses, no Measure 56 notices were sent.
  - (6) MMC Subsection 19.1008.4 and 5 establish the review authority and process for review of a Type V application. The Planning Commission held a duly advertised public hearing on February 24, 2015, and passed a motion recommending that the City Council approve the zoning ordinance text amendment. The City Council held a duly advertised public hearing on April 7, 2015, and approved the text amendment.
5. MMC Section 19.902 Amendments to Maps and Ordinances
- a. MMC 19.902.5.A establishes the review process for zoning text amendments.  
The code states that changes to Title 19 shall be subject to Type V review per MMC 19.1008.
  - b. MMC 19.902.5.B establishes five criteria (listed below) for approval of changes to the zoning ordinance text. The City Council finds that the approval criteria have been met for the reasons listed below each of the criterion.
    - (1) The proposed amendment is consistent with other provisions of the Milwaukie Municipal Code.  
*The proposed code amendment allows medical marijuana facilities in locations consistent with the zoning for drugstores and pharmacies. The retail nature of medical marijuana facilities is similar to that of drugstores and pharmacies and therefore does not conflict with any provision of the Milwaukie Municipal Code. All other code provisions can operate and be enforced with this change.*
    - (2) The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.  
*Only the goals, objectives, and policies of Comprehensive Plan that are listed below are found to be relevant to the proposed text amendment.*  
Relevant goals, objectives, and policies include:
      - The Goal Statement of the Economic Base and Industrial/Commercial Land Use Element reads as follows:  
*To continue to support and encourage the development of a broad industrial base in the City, and to encourage the expansion of service facilities in the community.*

- Policy 3 of Objective #4 – Industrial Land Use states:  
*Lands designated for industrial use as shown on Map 7, Land Use, should be reserved for industrial, manufacturing, distribution, and supporting land uses, except where otherwise indicated in the Tacoma Station Area Plan.*
- Objective #6 – Commercial Land Use states:  
*To encourage new commercial uses to locate within designated commercial areas of the City, in order to take maximum advantage of existing access and public facilities serving these areas.*
- Objective #8 – Commercial Land Use – Community Center states:  
*To provide the weekly and comparison goods shopping needs of the City's and surrounding areas' residents.*
- Policy 4 under Objective #8 Commercial Land Use – Community Center reads:  
*The Center will increase comparative and one-stop shopping services, thereby reducing vehicle trips outside the City, and providing better shopping services to the area.*
- Objective #10 – Commercial Land Use – Convenience Centers states:  
*To limit intrusion of commercial uses into neighborhood areas, while providing easy accessibility to residents.*
- Policy 3 under Objective #10 Commercial Land Use – Convenience Centers reads:  
*Local convenience centers will be designed to minimize the impacts on adjacent properties through visual screening, lighting controls, etc.*
- Policy 1 under Objective #12 Town Center reads:  
*Downtown Milwaukie, and specifically those lands designated as Town Center on Map 7, will be considered a Town Center, serving area-wide needs as well as the needs of local residents.*

The relevant goals, objectives, and policies are satisfied for the following reasons:

There are no specific Comprehensive Plan policies or objectives that provide clear guidance regarding whether the list of permitted uses for a given zone should be expanded to include a retail use that is not listed elsewhere in the code. Rather, the policies and objectives speak generally about commercial areas serving the needs of citizens, ease of access, short shopping trips, convenience, and controlling neighborhood impacts.

The proposed text amendment provides a community benefit by allowing medical marijuana facilities to locate in commercial and industrial zones within the City, thereby increasing convenience and accessibility for Milwaukie residents who require access to this type of retail product. For this reason, the following policies and objectives are satisfied by the proposal:

- Objective #6 – Commercial Land Use



- Objective #8 – Commercial Land Use – Community Center
- Policy 4 under Objective #8 Commercial Land Use – Community Center
- Objective #10 – Commercial Land Use – Convenience Centers
- Policy 1 under Objective #12 Town Center

Policy 3 under Objective #10 Commercial Land Use – Convenience Centers addresses neighborhood compatibility. The proposed amendments manage impacts on neighborhoods by limiting the hours of operation and by regulating the display of products.

Policy 3 of Objective #4 – Industrial Land Use appears to present a conflict with the proposal that medical marijuana facilities be allowed in the M-Zone given that the policy states “industrial lands should be reserved for industrial purposes.” The M-zone currently allows a wide range of retail uses provided that at least 25% of the development site is developed for manufacturing or industrial purposes. Because a portion of any development site is reserved for manufacturing or industrial use and because similar pharmacy/drug store uses are currently allowed in the zone, the proposed amendment does not conflict with Policy 2.

- (3) The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

*The proposed amendments were sent to Metro for comment. Metro did not identify any inconsistencies with the Metro Urban Growth Management Functional Plan or relevant regional policies.*

- (4) The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

*The proposed amendments were sent to the Department of Land Conservation and Development (DLCDC) for comment. DLCDC did not identify any inconsistencies with relevant State statutes or administrative rules.*

*The proposed amendments are found to be consistent with the Transportation Planning Rule for the following reason. The proposed text amendment does not impact the transportation system given that it does not create the opportunity for any more vehicle trips than are currently allowed by other similar uses i.e., drugstores and pharmacies.*

- (5) The proposed amendment is consistent with relevant federal regulations.

*Relevant federal regulations are those that address land use, the environment, or development in the context of local government planning. Typically, regulations such as those set forth under the following acts may be relevant to a local government land use process: the Americans with Disabilities Act, the Clean Air Act, the Clean Water Act, the Endangered Species Act, the Fair Housing Act, the National Environmental Policy Act, the Religious Land Use and Institutionalized Persons Act, and the Resource Conservation and Recovery Act. None of these acts include regulations that impact the subject proposal or that cannot be met through normal permitting procedures. Therefore the proposal is found to be consistent with federal regulations that are relevant to local government planning.*

## Underline/Strikeout Amendments

### Zoning Ordinance

#### CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

##### 19.201 DEFINITIONS

"Medical marijuana facility" means a business that dispenses medical marijuana in accordance with the regulations set forth by ORS Chapter 475 and related Oregon Administrative Rules. State-registered grow sites are not considered to be medical marijuana facilities and are not permitted under the City of Milwaukie's medical marijuana facility regulations.

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#### CHAPTER 19.300 BASE ZONES

##### 19.303 RESIDENTIAL-OFFICE-COMMERCIAL ZONE R-O-C

In an R-O-C Zone the following regulations shall apply:

###### 19.303.1 Uses Permitted Outright

In an R-O-C Zone the following uses and their accessory uses are permitted outright:

- S. Medical marijuana facilities subject to the standards of Subsection 19.303.3.N;  
~~S.I.~~ Any other use similar to the above and not listed elsewhere.
- 

###### 19.303.3 Standards

In an R-O-C Zone the following standards shall apply:

N. Medical marijuana facilities shall meet the following standards:

1. As set forth by Oregon Administrative Rules, a medical marijuana facility shall not be located within 1,000 ft of the real property comprising a public or private elementary, secondary, or career school attended primarily by minors or within 1,000 ft of another medical marijuana facility. In addition, a medical marijuana facility shall not be located within 1,000 ft of the Wichita and Hector Campbell school sites.
  2. A medical marijuana facility shall not be colocated with another business.
  3. Display of marijuana or marijuana products that are visible from outside of the facility is prohibited.
  4. The hours of operation for medical marijuana facilities shall be limited to the hours between 8:00 a.m. and 10:00 p.m.
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## Proposed Code Amendment

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### 19.304.3 Uses

#### A. Permitted Uses

Uses allowed in the downtown zones are listed in Table 19.304.3 with a "P." These uses are allowed if they comply with the development and design standards, any applicable design guidelines, and other regulations of this title.

Table 19.304.3 Downtown Zones—Uses					
Use Categories	Downtown Storefront	Downtown Commercial	Downtown Office	Downtown Residential	Downtown Open Space
<b>Commercial/Office</b>					
Medical marijuana facilities	L[12]	L[12]	L[12]	L[12]	N

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#### G. Use Limitations

The following provisions describe the use limitations and correspond with the footnote numbers for uses listed with an "L" in Table 19.304.3.

##### 12. Medical marijuana facilities shall meet the following standards:

- a. As set forth by Oregon Administrative Rules, a medical marijuana facility shall not be located within 1,000 ft of the real property comprising a public or private elementary, secondary, or career school attended primarily by minors or within 1,000 ft of another medical marijuana facility.
- b. A medical marijuana facility shall not be colocated with another business.
- c. Display of marijuana or marijuana products that are visible from outside of the facility is prohibited.
- d. The hours of operation for medical marijuana facilities shall be limited to the hours between 8:00 a.m. and 10:00 p.m.

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### 19.306 LIMITED COMMERCIAL ZONE C-L

In a C-L Zone the following regulations shall apply:

#### 19.306.1 Uses Permitted Outright

In a C-L Zone the following uses and their accessory uses are permitted outright:

- F. Medical marijuana facilities subject to the standards of Subsection 19.306.3.L.
  - FG. Any other use similar to the above and not listed elsewhere.
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### 19.306.3 Standards

In a C-L Zone the following standards shall apply:

L. Medical marijuana facilities shall meet the following standards:

1. As set forth by Oregon Administrative Rules, a medical marijuana facility shall not be located within 1,000 ft of the real property comprising a public or private elementary, secondary, or career school attended primarily by minors or within 1,000 ft of another medical marijuana facility. In addition, a medical marijuana facility shall not be located within 1,000 ft of the Wichita and Hector Campbell school sites.
2. A medical marijuana facility shall not be colocated with another business.
3. Display of marijuana or marijuana products that are visible from outside of the facility is prohibited.
4. The hours of operation for medical marijuana facilities shall be limited to the hours between 8:00 a.m. and 10:00 p.m.

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### 19.307 GENERAL COMMERCIAL ZONE C-G

In a C-G Zone the following regulations shall apply:

#### 19.307.1 Uses Permitted Outright

In a C-G Zone the following uses and their accessory uses are permitted outright:

- Y. Medical marijuana facilities subject to the standards of Subsection 19.307.3.M;  
~~Y~~Z. Any other use similar to the above and not listed elsewhere.

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#### 19.307.3 Standards

In a C-G Zone the following standards shall apply:

M. Medical marijuana facilities shall meet the following standards:

1. As set forth by Oregon Administrative Rules, a medical marijuana facility shall not be located within 1,000 ft of the real property comprising a public or private elementary, secondary, or career school attended primarily by minors or within 1,000 ft of another medical marijuana facility. In addition, a medical marijuana facility shall not be located within 1,000 ft of the Wichita and Hector Campbell school sites.
2. A medical marijuana facility shall not be colocated with another business.
3. Display of marijuana or marijuana products that are visible from outside of the facility is prohibited.
4. The hours of operation for medical marijuana facilities shall be limited to the hours between 8:00 a.m. and 10:00 p.m.

## Proposed Code Amendment

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### 19.308 COMMUNITY SHOPPING COMMERCIAL ZONE C-CS

In a C-CS Zone the following regulations shall apply:

#### 19.308.1 Uses

Development shall be a community-scale shopping center.

- A. Such center shall include at least 3 out of the 4 following uses:
1. Department store uses;
  2. Drug and/or variety store uses;
  3. Food supermarket;
  4. Retail specialty shops.
- B. Such center may include the following additional uses:
1. Eating and drinking establishment;
  2. Financial institution;
  3. Entertainment use (theater, etc.);
  4. Personal service businesses;
  5. Repair, service or maintenance of goods authorized in this district;
  6. Offices, clinics, or trade schools, provided no more than 15% of the total floor space of the center is devoted to such uses;
  7. Medical marijuana facilities subject to the standards of Subsection 19.308.5.K;
  - 7~~8~~. Any other uses determined by the Planning Commission to be similar and compatible to the above-listed uses.
- C. Uses prohibited shall be: industrial, warehousing, vehicular sales or service, motels, adult entertainment business, machinery sales or repair, contractor's office, and similar uses as determined by the Planning Commission.

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#### 19.308.5 Development Standards

- K. Medical marijuana facilities shall meet the following standards:
1. As set forth by Oregon Administrative Rules, a medical marijuana facility shall not be located within 1,000 ft of the real property comprising a public or private elementary, secondary, or career school attended primarily by minors or within 1,000 ft of another medical marijuana facility. In addition, a medical marijuana facility shall not be located within 1,000 ft of the Wichita and Hector Campbell school sites.
  2. A medical marijuana facility shall not be colocated with another business.
  3. Display of marijuana or marijuana products that are visible from outside of the facility is prohibited.
  4. The hours of operation for medical marijuana facilities shall be limited to the hours between 8:00 a.m. and 10:00 p.m.
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**19.309 MANUFACTURING ZONE M**

**19.309.2 Permitted Uses**

Permitted uses are limited to industrial uses meeting the following criteria:

- A. Any combination of manufacturing, office, and/or commercial uses are allowed when at least 25% of the total project involves an industrial use as described under Subsection 19.309.2.B.
- B. A use which involves the collection and assembly of durable goods, warehousing of goods, transshipment of goods from other sources, and/or the assembly of goods from products which have been processed elsewhere, general manufacturing, and production.
- C. Commercial and office uses which are accessory to the industrial use(s). Such uses may include gymnasium, health club, secretarial services, sandwich deli, small restaurant, and retail/wholesale commercial use and showroom.
- D. May produce small amounts of noise, dust, vibration, or glare, but may not produce off-site impacts that create a nuisance, as defined by DEQ or the City Noise Ordinance.
- E. A permitted use may require outside storage areas. These storage areas shall be screened with a sight-obscuring fence or dense plantings from any adjoining residential uses or public streets.
- F. Warehouse use which is accessory to an industrial use.
- G. Medical marijuana facilities are allowed as a commercial use under Subsection 19.309.2.A. and subject to the special development standards set forth in Subsection 19.309.7.A.
- G.H. The following uses are allowed outright and do not need to be part of a project involving an industrial use as described under Subsection 19.309.2.B
  - 1. Construction: Contractors and Related Businesses

This category comprises businesses whose primary activity is performing specific building or other construction-related work, on- or off-site. Examples include: residential and nonresidential building construction, utility/civil engineering construction, specialty trade contractors, and moving companies. Any associated on-site office use must be accessory to the primary construction business.
  - 2. Repair and Service

This category comprises firms involved in repair and servicing of industrial, business, or consumer electronic equipment, machinery, and related equipment, products, or by-products. Examples include: welding shops; machine shops; tool, electric motor, and industrial instrument repair; sales, repair, or storage of heavy machinery, metal, and building materials; heavy truck servicing and repair; tire retreading or recapping; exterminators, including chemical mixing or storage and fleet storage and maintenance; janitorial and building maintenance services that include storage of materials and fleet storage and maintenance; fuel oil distributors; solid fuel yards; and large-scale laundry, dry-cleaning, and carpet cleaning plants. Few customers come to the site, particularly not general public daily customers. Auto service and repair shops for personal vehicles are not included in this category and are not allowed in the M Zone.

## **Proposed Code Amendment**

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### 3. Trade Schools

This category comprises establishments whose primary purpose is to provide training for industrial needs and job-specific certification. Examples include: electronic equipment repair training, truck-driving school, welding school, training for repair of industrial machinery, and other industrial skills training.

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### **19.309.7 Special Development Standards**

The following development standards apply to specified uses in the M Zone.

#### A. Medical Marijuana Facilities

Medical marijuana facilities shall meet the following standards:

1. As set forth by Oregon Administrative Rules, a medical marijuana facility shall not be located within 1,000 ft of the real property comprising a public or private elementary, secondary, or career school attended primarily by minors or within 1,000 ft of another medical marijuana facility. In addition, a medical marijuana facility shall not be located within 1,000 ft of the Wichita and Hector Campbell school sites.
  2. A medical marijuana facility shall not be colocated with another business.
  3. Display of marijuana or marijuana products that are visible from outside of the facility is prohibited.
  4. The hours of operation for medical marijuana facilities shall be limited to the hours between 8:00 a.m. and 10:00 p.m.
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**19.312 TACOMA STATION AREA MANUFACTURING ZONE M-TSA**

**19.312.2 Use Categories**

The categories of land uses that are permitted in the M-TSA Zone are listed in Table 19.312.2. Permitted uses are designated with a "P." A "C" in this table indicates a use that may be authorized as a conditional use in conformance with Chapter 19.905. An "L" indicates a use that is permitted outright with certain limitations as described in Subsection 19.312.6. Uses not listed in the table are not allowed.

All uses must comply with the land use district standards of this section and all other applicable requirements of the Zoning Ordinance. If it is unclear whether a proposed use is allowed under the use categories, the applicant may submit a Director determination application per Subsection 19.903 to resolve the issue.

<b>Table 19.312.2 M-TSA Zone Uses</b>	
<b>Use Category</b>	<b>Status</b>
<b>G. Limited Uses</b>	
<p>This category comprises uses that are primarily intended to support and serve other allowed uses in the M-TSA Zone. Limited uses are divided into two subcategories. See Subsection 19.312.6 for applicable limitations on these uses.</p> <ol style="list-style-type: none"> <li>1. <b>Administration and Support in Office Buildings</b>                      This subcategory comprises uses in office-type buildings that are accessory to industrial uses. They administer, oversee, and manage companies; manage financial assets and securities; do research and design; do laboratory testing; and/or provide document preparation and other industrial support services. Examples include: corporate offices, company business offices, call centers, and other office-type uses that primarily serve other industries and do not generate a significant number of daily customer visits.</li> <li>2. <b>Retail Commercial and Professional Services</b>                      This subcategory comprises the sale of goods, materials, and professional services. Examples of retail commercial uses include: restaurants, minimarts, factory outlet stores, and office supply stores. Examples of professional services that cater to employees and customers include: bank branches, day-care centers, dry cleaners, and health clubs.</li> <li>3. <b><u>Medical Marijuana Facilities</u></b>  <u>This subcategory applies only to retail sales of medical marijuana at State-licensed facilities.</u></li> </ol>	L

P = Permitted.  
 L = Limited.  
 C = Conditional use.



**19.312.6 Standards for Limited Uses**

The following standards apply to those uses listed as limited (L) in Table 19.312.2.

**A. Administration and Support in Office Buildings**

Only administrative and support offices which are related to the operation of a manufacturing use on the property are permitted in the M-TSA Zone. No greater than 20% of the floor area of a building may be used for administrative office space.

**B. Medical Marijuana Facilities**

Medical marijuana facilities shall meet the following standards:

1. As set forth by Oregon Administrative Rules, a medical marijuana facility shall not be located within 1,000 ft of the real property comprising a public or private elementary, secondary, or career school attended primarily by minors or within 1,000 ft of another medical marijuana facility. In addition, a medical marijuana facility shall not be located within 1,000 ft of the Wichita and Hector Campbell school sites.
2. A medical marijuana facility shall not be colocated with another business.
3. Display of marijuana or marijuana products that are visible from outside of the facility is prohibited.
4. The hours of operation for medical marijuana facilities shall be limited to the hours between 8:00 a.m. and 10:00 p.m.

**BC. Retail Commercial and Professional Services**

In order to ensure that these uses are limited in size and scale and do not dominate land intended for manufacturing uses, the following standards apply. See Figure 19.312.6.BC for an illustration of the size limitations.

1. The total gross leasable square footage of an individual retail or professional service use shall not exceed 5,000 sq ft or 40% of the floor area of an individual building, whichever is less.
2. Multiple retail or professional service uses shall not exceed 20,000 cumulative gross leasable sq ft within the same development project. For the purposes of this section, a development project is defined as:
  - a. A single building with 50,000 sq ft or more of gross floor area.
  - b. Multiple buildings, each with less than 50,000 sq ft of gross floor area, that share common development features (such as access, parking, or utilities), whether or not the buildings are located on the same or a different parcel or lot.
3. Retail and professional service uses shall not be permitted in a stand-alone building. They must be included within a building whose primary purpose is for an allowed manufacturing use. The retail commercial or professional service use is not required to be related to the primary manufacturing use. Food carts are permitted as a stand-alone use.

**Figure 19.312.6.BC**  
**Size Limitations for Retail and Professional Service Uses**



**Update for Section Reference Only**

**19.406.8.C**

**C. Permitted Uses**

Permitted uses in Subarea 4 are the same as those permitted in the base M-TSA Zone, with the following exceptions: Retail commercial and professional service uses may be permitted in a stand-alone building (they do not need to be accessory to a manufacturing use). The size limitations of the base M-TSA Zone Subsections ~~19.312.6.B.1-2~~ 19.312.6.C.1-2 still apply.

## Clean Amendments

### Zoning Ordinance

#### CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

##### 19.201 DEFINITIONS

"Medical marijuana facility" means a business that dispenses medical marijuana in accordance with the regulations set forth by ORS Chapter 475 and related Oregon Administrative Rules. State-registered grow sites are not considered to be medical marijuana facilities and are not permitted under the City of Milwaukie's medical marijuana facility regulations.

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#### CHAPTER 19.300 BASE ZONES

##### 19.303 RESIDENTIAL-OFFICE-COMMERCIAL ZONE R-O-C

In an R-O-C Zone the following regulations shall apply:

###### 19.303.1 Uses Permitted Outright

In an R-O-C Zone the following uses and their accessory uses are permitted outright:

- S. Medical marijuana facilities subject to the standards of Subsection 19.303.3.N;
  - T. Any other use similar to the above and not listed elsewhere.
- 

###### 19.303.3 Standards

In an R-O-C Zone the following standards shall apply:

N. Medical marijuana facilities shall meet the following standards:

1. As set forth by Oregon Administrative Rules, a medical marijuana facility shall not be located within 1,000 ft of the real property comprising a public or private elementary, secondary, or career school attended primarily by minors or within 1,000 ft of another medical marijuana facility. In addition, a medical marijuana facility shall not be located within 1,000 ft of the Wichita and Hector Campbell school sites.
  2. A medical marijuana facility shall not be colocated with another business.
  3. Display of marijuana or marijuana products that are visible from outside of the facility is prohibited.
  4. The hours of operation for medical marijuana facilities shall be limited to the hours between 8:00 a.m. and 10:00 p.m.
-

## Proposed Code Amendment

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### 19.304.3 Uses

#### A. Permitted Uses

Uses allowed in the downtown zones are listed in Table 19.304.3 with a "P." These uses are allowed if they comply with the development and design standards, any applicable design guidelines, and other regulations of this title.

Table 19.304.3 Downtown Zones—Uses					
Use Categories	Downtown Storefront	Downtown Commercial	Downtown Office	Downtown Residential	Downtown Open Space
<b>Commercial/Office</b>					
Medical marijuana facilities	L[12]	L[12]	L[12]	L[12]	N

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#### G. Use Limitations

The following provisions describe the use limitations and correspond with the footnote numbers for uses listed with an "L" in Table 19.304.3.

##### 12. Medical marijuana facilities shall meet the following standards:

- a. As set forth by Oregon Administrative Rules, a medical marijuana facility shall not be located within 1,000 ft of the real property comprising a public or private elementary, secondary, or career school attended primarily by minors or within 1,000 ft of another medical marijuana facility.
- b. A medical marijuana facility shall not be colocated with another business.
- c. Display of marijuana or marijuana products that are visible from outside of the facility is prohibited.
- d. The hours of operation for medical marijuana facilities shall be limited to the hours between 8:00 a.m. and 10:00 p.m.

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### 19.306 LIMITED COMMERCIAL ZONE C-L

In a C-L Zone the following regulations shall apply:

#### 19.306.1 Uses Permitted Outright

In a C-L Zone the following uses and their accessory uses are permitted outright:

- F. Medical marijuana facilities subject to the standards of Subsection 19.306.3.L.
  - G. Any other use similar to the above and not listed elsewhere.
-

**19.306.3 Standards**

In a C-L Zone the following standards shall apply:

- L. Medical marijuana facilities shall meet the following standards:
    - 1. As set forth by Oregon Administrative Rules, a medical marijuana facility shall not be located within 1,000 ft of the real property comprising a public or private elementary, secondary, or career school attended primarily by minors or within 1,000 ft of another medical marijuana facility. In addition, a medical marijuana facility shall not be located within 1,000 ft of the Wichita and Hector Campbell school sites.
    - 2. A medical marijuana facility shall not be colocated with another business.
    - 3. Display of marijuana or marijuana products that are visible from outside of the facility is prohibited.
    - 4. The hours of operation for medical marijuana facilities shall be limited to the hours between 8:00 a.m. and 10:00 p.m.
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**19.307 GENERAL COMMERCIAL ZONE C-G**

In a C-G Zone the following regulations shall apply:

**19.307.1 Uses Permitted Outright**

In a C-G Zone the following uses and their accessory uses are permitted outright:

- Y. Medical marijuana facilities subject to the standards of Subsection 19.307.3.M;
  - Z. Any other use similar to the above and not listed elsewhere.
- 

**19.307.3 Standards**

In a C-G Zone the following standards shall apply:

- M. Medical marijuana facilities shall meet the following standards:
    - 1. As set forth by Oregon Administrative Rules, a medical marijuana facility shall not be located within 1,000 ft of the real property comprising a public or private elementary, secondary, or career school attended primarily by minors or within 1,000 ft of another medical marijuana facility. In addition, a medical marijuana facility shall not be located within 1,000 ft of the Wichita and Hector Campbell school sites.
    - 2. A medical marijuana facility shall not be colocated with another business.
    - 3. Display of marijuana or marijuana products that are visible from outside of the facility is prohibited.
    - 4. The hours of operation for medical marijuana facilities shall be limited to the hours between 8:00 a.m. and 10:00 p.m.
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**19.308 COMMUNITY SHOPPING COMMERCIAL ZONE C-CS**

In a C-CS Zone the following regulations shall apply:

**19.308.1 Uses**

Development shall be a community-scale shopping center.

- A. Such center shall include at least 3 out of the 4 following uses:
  - 1. Department store uses;
  - 2. Drug and/or variety store uses;
  - 3. Food supermarket;
  - 4. Retail specialty shops.
- B. Such center may include the following additional uses:
  - 1. Eating and drinking establishment;
  - 2. Financial institution;
  - 3. Entertainment use (theater, etc.);
  - 4. Personal service businesses;
  - 5. Repair, service or maintenance of goods authorized in this district;
  - 6. Offices, clinics, or trade schools, provided no more than 15% of the total floor space of the center is devoted to such uses;
  - 7. Medical marijuana facilities subject to the standards of Subsection 19.308.5.K;
  - 8. Any other uses determined by the Planning Commission to be similar and compatible to the above-listed uses.
- C. Uses prohibited shall be: industrial, warehousing, vehicular sales or service, motels, adult entertainment business, machinery sales or repair, contractor's office, and similar uses as determined by the Planning Commission.

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**19.308.5 Development Standards**

- K. Medical marijuana facilities shall meet the following standards:
    - 1. As set forth by Oregon Administrative Rules, a medical marijuana facility shall not be located within 1,000 ft of the real property comprising a public or private elementary, secondary, or career school attended primarily by minors or within 1,000 ft of another medical marijuana facility. In addition, a medical marijuana facility shall not be located within 1,000 ft of the Wichita and Hector Campbell school sites.
    - 2. A medical marijuana facility shall not be colocated with another business.
    - 3. Display of marijuana or marijuana products that are visible from outside of the facility is prohibited.
    - 4. The hours of operation for medical marijuana facilities shall be limited to the hours between 8:00 a.m. and 10:00 p.m.
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**19.309 MANUFACTURING ZONE M**

**19.309.2 Permitted Uses**

Permitted uses are limited to industrial uses meeting the following criteria:

- A. Any combination of manufacturing, office, and/or commercial uses are allowed when at least 25% of the total project involves an industrial use as described under Subsection 19.309.2.B.
- B. A use which involves the collection and assembly of durable goods, warehousing of goods, transshipment of goods from other sources, and/or the assembly of goods from products which have been processed elsewhere, general manufacturing, and production.
- C. Commercial and office uses which are accessory to the industrial use(s). Such uses may include gymnasium, health club, secretarial services, sandwich deli, small restaurant, and retail/wholesale commercial use and showroom.
- D. May produce small amounts of noise, dust, vibration, or glare, but may not produce off-site impacts that create a nuisance, as defined by DEQ or the City Noise Ordinance.
- E. A permitted use may require outside storage areas. These storage areas shall be screened with a sight-obscuring fence or dense plantings from any adjoining residential uses or public streets.
- F. Warehouse use which is accessory to an industrial use.
- G. Medical marijuana facilities are allowed as a commercial use under Subsection 19.309.2.A. and subject to the special development standards set forth in Subsection 19.309.7.A.
- H. The following uses are allowed outright and do not need to be part of a project involving an industrial use as described under Subsection 19.309.2.B

1. Construction: Contractors and Related Businesses

This category comprises businesses whose primary activity is performing specific building or other construction-related work, on- or off-site. Examples include: residential and nonresidential building construction, utility/civil engineering construction, specialty trade contractors, and moving companies. Any associated on-site office use must be accessory to the primary construction business.

2. Repair and Service

This category comprises firms involved in repair and servicing of industrial, business, or consumer electronic equipment, machinery, and related equipment, products, or by-products. Examples include: welding shops; machine shops; tool, electric motor, and industrial instrument repair; sales, repair, or storage of heavy machinery, metal, and building materials; heavy truck servicing and repair; tire retreading or recapping; exterminators, including chemical mixing or storage and fleet storage and maintenance; janitorial and building maintenance services that include storage of materials and fleet storage and maintenance; fuel oil distributors; solid fuel yards; and large-scale laundry, dry-cleaning, and carpet cleaning plants. Few customers come to the site, particularly not general public daily customers. Auto service and repair shops for personal vehicles are not included in this category and are not allowed in the M Zone.

3. Trade Schools

This category comprises establishments whose primary purpose is to provide training for industrial needs and job-specific certification. Examples include: electronic equipment repair training, truck-driving school, welding school, training for repair of industrial machinery, and other industrial skills training.

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**19.309.7 Special Development Standards**

The following development standards apply to specified uses in the M Zone.

A. Medical Marijuana Facilities

Medical marijuana facilities shall meet the following standards:

1. As set forth by Oregon Administrative Rules, a medical marijuana facility shall not be located within 1,000 ft of the real property comprising a public or private elementary, secondary, or career school attended primarily by minors or within 1,000 ft of another medical marijuana facility. In addition, a medical marijuana facility shall not be located within 1,000 ft of the Wichita and Hector Campbell school sites.
  2. A medical marijuana facility shall not be colocated with another business.
  3. Display of marijuana or marijuana products that are visible from outside of the facility is prohibited.
  4. The hours of operation for medical marijuana facilities shall be limited to the hours between 8:00 a.m. and 10:00 p.m.
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**19.312 TACOMA STATION AREA MANUFACTURING ZONE M-TSA**

**19.312.2 Use Categories**

The categories of land uses that are permitted in the M-TSA Zone are listed in Table 19.312.2. Permitted uses are designated with a "P." A "C" in this table indicates a use that may be authorized as a conditional use in conformance with Chapter 19.905. An "L" indicates a use that is permitted outright with certain limitations as described in Subsection 19.312.6. Uses not listed in the table are not allowed.

All uses must comply with the land use district standards of this section and all other applicable requirements of the Zoning Ordinance. If it is unclear whether a proposed use is allowed under the use categories, the applicant may submit a Director determination application per Subsection 19.903 to resolve the issue.

<b>Table 19.312.2 M-TSA Zone Uses</b>	
<b>Use Category</b>	<b>Status</b>
<b>G. Limited Uses</b>	
<p>This category comprises uses that are primarily intended to support and serve other allowed uses in the M-TSA Zone. Limited uses are divided into two subcategories. See Subsection 19.312.6 for applicable limitations on these uses.</p> <ol style="list-style-type: none"> <li>1. Administration and Support in Office Buildings                      This subcategory comprises uses in office-type buildings that are accessory to industrial uses. They administer, oversee, and manage companies; manage financial assets and securities; do research and design; do laboratory testing; and/or provide document preparation and other industrial support services. Examples include: corporate offices, company business offices, call centers, and other office-type uses that primarily serve other industries and do not generate a significant number of daily customer visits.</li> <li>2. Retail Commercial and Professional Services                      This subcategory comprises the sale of goods, materials, and professional services. Examples of retail commercial uses include: restaurants, minimarts, factory outlet stores, and office supply stores. Examples of professional services that cater to employees and customers include: bank branches, day-care centers, dry cleaners, and health clubs.</li> <li>3. Medical Marijuana Facilities                      This subcategory applies only to retail sales of medical marijuana at State-licensed facilities.</li> </ol>	L

P = Permitted.  
 L = Limited.  
 C = Conditional use.

**19.312.6 Standards for Limited Uses**

The following standards apply to those uses listed as limited (L) in Table 19.312.2.

**A. Administration and Support in Office Buildings**

Only administrative and support offices which are related to the operation of a manufacturing use on the property are permitted in the M-TSA Zone. No greater than 20% of the floor area of a building may be used for administrative office space.

**B. Medical Marijuana Facilities**

Medical marijuana facilities shall meet the following standards:

1. As set forth by Oregon Administrative Rules, a medical marijuana facility shall not be located within 1,000 ft of the real property comprising a public or private elementary, secondary, or career school attended primarily by minors or within 1,000 ft of another medical marijuana facility. In addition, a medical marijuana facility shall not be located within 1,000 ft of the Wichita and Hector Campbell school sites.
2. A medical marijuana facility shall not be colocated with another business.
3. Display of marijuana or marijuana products that are visible from outside of the facility is prohibited.
4. The hours of operation for medical marijuana facilities shall be limited to the hours between 8:00 a.m. and 10:00 p.m.

**C. Retail Commercial and Professional Services**

In order to ensure that these uses are limited in size and scale and do not dominate land intended for manufacturing uses, the following standards apply. See Figure 19.312.6.C for an illustration of the size limitations.

1. The total gross leasable square footage of an individual retail or professional service use shall not exceed 5,000 sq ft or 40% of the floor area of an individual building, whichever is less.
2. Multiple retail or professional service uses shall not exceed 20,000 cumulative gross leasable sq ft within the same development project. For the purposes of this section, a development project is defined as:
  - a. A single building with 50,000 sq ft or more of gross floor area.
  - b. Multiple buildings, each with less than 50,000 sq ft of gross floor area, that share common development features (such as access, parking, or utilities), whether or not the buildings are located on the same or a different parcel or lot.
3. Retail and professional service uses shall not be permitted in a stand-alone building. They must be included within a building whose primary purpose is for an allowed manufacturing use. The retail commercial or professional service use is not required to be related to the primary manufacturing use. Food carts are permitted as a stand-alone use.

Figure 19.312.6.C  
Size Limitations for Retail and Professional Service Uses



Update for Section Reference Only

19.406.8.C

C. Permitted Uses

Permitted uses in Subarea 4 are the same as those permitted in the base M-TSA Zone, with the following exceptions: Retail commercial and professional service uses may be permitted in a stand-alone building (they do not need to be accessory to a manufacturing use). The size limitations of the base M-TSA Zone Subsections 19.312.6.C.1-2 still apply.