



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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

Date: April 27, 2015
Jurisdiction: City of Sheridan
Local file no.: LA 2015-01
DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 04/27/2015. 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 39 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



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

FOR DLCD USE

File No.: 001-15 {22659}

Received: 4/27/2015

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 Sheridan

Local file no.: **LA 2015-01**

Date of adoption: 4/20/15

Date sent: 4/27/2015

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): 1/29/15

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:

Proposed definition of "infusion" deleted. The Veterans Memorial site added to list of parks. Closing hour changed from 10pm to 6pm. Eight more provisions added to comply with State registration, located in permanent building, exterior appearance, no cultivation/infusion at MMF, secure disposal, etc

Local contact (name and title): Jim Jacks

Phone: 503 843-2347

E-mail: jjacks@wavecable.com

Street address: 120 SW Mill St.

City: Sheridan, OR

Zip: 97378-

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:

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

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

16.109.010, C, Definitions. 16.235.020, Commercial Zone permitted uses. 16.250.020, Industrial Zone, permitted uses. 16.220.030, Mixed Residential Zone conditional uses.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: Oregon Health Authority.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Staff reports, 4/6/2015 and 4/20/15 to City Council.

ORDINANCE 2015-02

AN ORDINANCE AMENDING THE SHERIDAN MUNICIPAL CODE, TO ALLOW MEDICAL MARIJUANA DISPENSARIES AS A PERMITTED USE IN THE COMMERCIAL ZONE (SECTION 16.235.020), AND THE INDUSTRIAL ZONE (SECTION 16.250.020), AND AS A CONDITIONAL USE IN THE MIXED RESIDENTIAL ZONE (R-3) (SECTION 16.220.030) AND DECLARING AN EMERGENCY.

WHEREAS, the establishment and operation of medical marijuana facilities and dispensaries is regulated by the State of Oregon; and

WHEREAS, 2014 Senate Bill 1531 approved by the Oregon Legislature on March 7, 2014, provides that cities may adopt ordinances that impose certain types of reasonable regulations on the operation of medical marijuana dispensaries registered and approved by the State of Oregon; and

WHEREAS, The City of Sheridan, on April 7, 2014, imposed a moratorium on the establishment of medical marijuana dispensaries within the City of Sheridan in order to determine whether or when it will adopt or impose reasonable regulations on the locations and operation of medical marijuana dispensaries within the City of Sheridan, and

WHEREAS, the Sheridan Planning Commission conducted a public hearing on March 9, 2015, received a staff report, and made recommendations to the City Council; and

WHEREAS, the Sheridan City Council wishes to amend the Sheridan Development Code to establish rules governing the location of medical marijuana dispensaries in the Industrial Zone, the Commercial Zone and the Mixed Residential Zone.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHERIDAN DOES ORDAIN AS FOLLOWS:

Section 1. § 16.109.010 C of the Sheridan Municipal Code is amended to include the follow definitions:

“Marijuana” is as defined under ORS 475.005.

“Medical Marijuana Facility (Dispensary)” means a facility registered by the Oregon Health Authority under ORS 475.300 to 475.346 and that sells, distributes, transmits, gives, dispenses or otherwise provides medical marijuana to medical marijuana qualifying patients.

“Medical Marijuana Qualifying Patient” means a registry identification cardholder (person who has been diagnosed by a physician as having a debilitating medical condition) as

further defined under ORS 475.302(3) or the designated primary caregiver of the cardholder as defined by ORS 475.302(5).

“Infusion” means a facility or business that incorporates medical marijuana by means of cooking, blending, or incorporation into consumable or edible goods.

Section 2. Subsection R is added to § 16.235.020 of the Sheridan Municipal Code, to read as follows:

“ R. Medical Marijuana Facility (Dispensary) provided the following are met:

1. Shall not be located within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors;
2. Shall not be located within 1,000 feet of a licensed early education school or day care with an annual average daily attendance of at least 15 children;
3. Shall not be located within 1,000 feet of the City Park (between Yamhill and Sherman Streets at Box Street), the Veterans' Memorial (West Main and Florence Street), or the City's Southside Park (fishing pond park);
4. Shall not be located within 1,000 feet of the City Library;
5. Shall not be located within 1,000 feet of another Medical Marijuana Facility;
6. The Medical Marijuana Facility shall not open earlier than 7:00 a.m. and shall close no later than 6:00 p.m.;
7. Provide evidence to the city that the business is currently registered under the State of Oregon's medical marijuana facility registration system under ORS 475.300 through 475.346;
8. The Medical Marijuana Facility shall be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle;
9. The exterior appearance of the structure shall not cause blight, or cause deterioration or avoidable depreciation in property values within the general vicinity;
10. Cultivation or infusion of medical marijuana at the site of the Medical Marijuana Facility is prohibited;
11. The Medical Marijuana Facility business shall provide for the secure disposal of marijuana remnants and by-products; such remnants and by-products shall not be placed within the facility's exterior refuse containers.

12. Drive-through services are prohibited;
13. The on-site consumption of marijuana in any form is prohibited.”
14. All storage of medical marijuana shall be conducted on-site within a state approved medical marijuana facility.

Section 3. Subsection G is added to § 16.250.020 of the Sheridan Municipal Code, to read as follows:

“ G. Medical Marijuana Facility (Dispensary) provided the following are met:

1. Shall not be located within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors;
2. Shall not be located within 1,000 feet of a licensed early education school or day care with an annual average daily attendance of at least 15 children;
3. Shall not be located within 1,000 feet of the City Park (between Yamhill and Sherman Streets at Box Street), the Veterans' Memorial (West Main and Florence Street), or the City's Southside Park (fishing pond park);
4. Shall not be located within 1,000 feet of the City Library;
5. Shall not be located within 1,000 feet of another Medical Marijuana Facility;
6. The Medical Marijuana Facility shall not open earlier than 7:00 a.m. and shall close no later than 6:00 p.m.;
7. Provide evidence to the city that the business is currently registered under the State of Oregon's medical marijuana facility registration system under ORS 475.300 through 475.346;
8. The Medical Marijuana Facility shall be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle;
9. The exterior appearance of the structure shall not cause blight, or cause deterioration or avoidable depreciation in property values within the general vicinity;
10. Cultivation or infusion of medical marijuana at the site of the Medical Marijuana Facility is prohibited;

11. The Medical Marijuana Facility business shall provide for the secure disposal of marijuana remnants and by-products; such remnants and by-products shall not be placed within the facility's exterior refuse containers;

12. Drive-through services are prohibited;

13. The on-site consumption of marijuana in any form is prohibited."

14. All storage of medical marijuana shall be conducted on-site within a state approved medical marijuana facility.

Section 4. Subsection E is added to § 16.220.030 of the Sheridan Municipal Code, to read as follows:

" E. Medical Marijuana Facility (Dispensary) provided the conditional use permit criteria in Section 16.546.040 and the following are met:

1. Shall not be located within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors;

2. Shall not be located within 1,000 feet of a licensed early education school or day care with an annual average daily attendance of at least 15 children;

3. Shall not be located within 1,000 feet of the City Park (between Yamhill and Sherman Streets at Box Street), the Veterans' Memorial (West Main and Florence Street), or the City's Southside Park (fishing pond park);

4. Shall not be located within 1,000 feet of the City Library;

5. Shall not be located within 1,000 feet of another Medical Marijuana Facility;

6. The Medical Marijuana Facility shall not open earlier than 7:00 a.m. and shall close no later than 6:00 p.m.;

7. Provide evidence to the city that the business is currently registered under the State of Oregon's medical marijuana facility registration system under ORS 475.300 through 475.346;

8. The Medical Marijuana Facility shall be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle;

9. The exterior appearance of the structure shall not cause blight, or cause deterioration or avoidable depreciation in property values within the general vicinity;

10. Cultivation or infusion of medical marijuana at the site of the Medical Marijuana Facility is prohibited;

11. The Medical Marijuana Facility business shall provide for the secure disposal of marijuana remnants and by-products; such remnants and by-products shall not be placed within the facility's exterior refuse containers;

12. Drive-through services are prohibited;

13. The on-site consumption of marijuana in any form is prohibited."

14. All storage of medical marijuana shall be conducted on-site within a state approved medical marijuana facility.

SECTION 5. Notice to Oregon Health Authority

A copy of this Ordinance shall be forthwith forwarded to the Oregon Health Authority by regular mail, and by any other such means as required by rule of the Oregon Health Authority.

SECTION 6. Emergency Declared

The City Council of the City of Sheridan deems and desires it necessary for the preservation of the health, peace and safety of the City of Sheridan that this Ordinance take effect at once, and therefore an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED and adopted by the City Council of the City of Sheridan on this 20th day of April, 2015 by the following votes:

AYES: Cain, Acuff, Ellis, Cooley

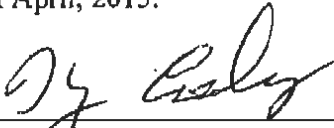
NAYS: None

ABSTAIN: _____

ABSENT: Adamson, Quinones, McCandless

Approved by the Mayor on this 21st day of April, 2015.

SIGNED:



Harry Cooley, Mayor 4-20-2015
Date

ATTEST:



Trish Henderson, City Recorder 4-20-2015
Date

Senate Bill 1531

Sponsored by Senators HANSELL, MONROE; Senators BAERTSCHIGER JR, BOQUIST, CLOSE, FERRIOLI, GIROD, JOHNSON, KNOPP, KRUSE, OLSEN, THOMSEN, WHITSETT, WINTERS, Representatives ESQUIVEL, JENSON, THOMPSON, WHISNANT (at the request of Association of Oregon Counties and League of Oregon Cities) (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Specifies that governing body of city or county may regulate or restrict operation of medical marijuana facility, prohibit registration of medical marijuana facility, or regulate, restrict or prohibit storing or dispensing of marijuana by facility legally authorized to store or dispense marijuana. Declares emergency, effective March 1, 2014.

A BILL FOR AN ACT

1
2 Relating to marijuana facilities; creating new provisions; amending ORS 475.314; and declaring an
3 emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2014 Act is added to and made a part of ORS chapter 475.**

6 **SECTION 2. Notwithstanding ORS 633.738, the governing body of a city or county may
7 adopt ordinances that:**

8 (1) **Regulate or restrict the operation of medical marijuana facilities registered under
9 ORS 475.314 that are located in the area subject to the jurisdiction of the city or county;**

10 (2) **Prohibit the registration under ORS 475.314 of medical marijuana facilities that are
11 located in the area subject to the jurisdiction of the city or county; or**

12 (3) **Regulate, restrict or prohibit within the area subject to the jurisdiction of the city
13 or county the storing or dispensing of marijuana by a facility authorized to store or dispense
14 marijuana under the laws of this state.**

15 **SECTION 3. ORS 475.314 is amended to read:**

16 475.314. (1) The Oregon Health Authority shall establish by rule a medical marijuana facility
17 registration system to authorize the transfer of usable marijuana and immature marijuana plants
18 from:

19 (a) A registry identification cardholder, the designated primary caregiver of a registry identifi-
20 cation cardholder, or a person responsible for a marijuana grow site to the medical marijuana fa-
21 cility; or

22 (b) A medical marijuana facility to a registry identification cardholder or the designated primary
23 caregiver of a registry identification cardholder.

24 (2) The registration system established under subsection (1) of this section must require a med-
25 ical marijuana facility to submit an application to the authority that includes:

26 (a) The name of the person responsible for the medical marijuana facility;

27 (b) The address of the medical marijuana facility;

28 (c) Proof that the person responsible for the medical marijuana facility is a resident of Oregon;

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (d) Documentation, as required by the authority by rule, that demonstrates the medical
2 marijuana facility meets the qualifications for a medical marijuana facility as described in sub-
3 section (3) of this section; and

4 (e) Any other information that the authority considers necessary.

5 (3) To qualify for registration under this section, a medical marijuana facility:

6 (a) Must be located in an area that is zoned for commercial, industrial or mixed use or as ag-
7 ricultural land; *[and]*

8 (b) May not be located at the same address as a marijuana grow site **or located in an area**
9 **that is subject to the jurisdiction of a city or county that has prohibited the registration of**
10 **medical marijuana facilities pursuant to section 2 of this 2014 Act;**

11 *[(b)]* (c) Must be registered as a business or have filed a pending application to register as a
12 business with the Office of the Secretary of State;

13 *[(c)]* (d) Must not be located within 1,000 feet of the real property comprising a public or private
14 elementary, secondary or career school attended primarily by minors;

15 *[(d)]* (e) Must not be located within 1,000 feet of another medical marijuana facility; and

16 *[(e)]* (f) Must comport with rules adopted by the authority related to:

17 (A) Installing a minimum security system, including a video surveillance system, alarm system
18 and safe; and

19 (B) Testing for pesticides, mold and mildew and the processes by which usable marijuana and
20 immature marijuana plants that test positive for pesticides, mold or mildew must be returned to the
21 registry identification cardholder, the cardholder's designated primary caregiver or the cardholder's
22 registered grower.

23 (4)(a) The authority shall conduct a criminal records check under ORS 181.534 of a person whose
24 name is submitted as the person responsible for a medical marijuana facility under subsection (2)
25 of this section.

26 (b) A person convicted for the manufacture or delivery of a controlled substance in Schedule I
27 or Schedule II may not be the person responsible for a medical marijuana facility for five years from
28 the date the person is convicted.

29 (c) A person convicted more than once for the manufacture or delivery of a controlled substance
30 in Schedule I or Schedule II may not be the person responsible for a medical marijuana facility.

31 (5) If a person submits the application required under subsection (2) of this section, the medical
32 marijuana facility identified in the application meets the qualifications for a medical marijuana fa-
33 cility described in subsection (3) of this section and the person responsible for the medical marijuana
34 facility passes the criminal records check required under subsection (4) of this section, the authority
35 shall register the medical marijuana facility and issue the person responsible for the medical
36 marijuana facility proof of registration. The person responsible for the medical marijuana facility
37 shall display the proof of registration on the premises of the medical marijuana facility at all times
38 when usable marijuana or immature marijuana plants are being transferred as described in sub-
39 section (1) of this section.

40 (6)(a) A registered medical marijuana facility may receive usable marijuana or immature
41 marijuana plants only from a registry identification cardholder, designated primary caregiver or
42 person responsible for a marijuana grow site if the registered medical marijuana facility obtains
43 authorization, on a form prescribed by the authority by rule and signed by a registry identification
44 cardholder, to receive the usable marijuana or immature marijuana plants.

45 (b) A registered medical marijuana facility shall maintain:

1 (A) A copy of each authorization form described in paragraph (a) of this subsection; and

2 (B) Documentation of each transfer of usable marijuana or immature marijuana plants.

3 (7) A medical marijuana facility registered under this section may possess usable marijuana and
4 immature marijuana plants in excess of the limits imposed on registry identification cardholders and
5 designated primary caregivers under ORS 475.320.

6 (8) The authority may inspect:

7 (a) The premises of an applicant for a medical marijuana facility or a registered medical
8 marijuana facility to ensure compliance with the qualifications for a medical marijuana facility de-
9 scribed in subsection (3) of this section; and

10 (b) The records of a registered medical marijuana facility to ensure compliance with subsection
11 (6)(b) of this section.

12 (9)(a) A registry identification cardholder or the designated primary caregiver of a registry
13 identification cardholder may reimburse a medical marijuana facility registered under this section
14 for the normal and customary costs of doing business, including costs related to transferring, han-
15 dling, securing, insuring, testing, packaging and processing usable marijuana and immature
16 marijuana plants and the cost of supplies, utilities and rent or mortgage.

17 (b) A medical marijuana facility may reimburse a person responsible for a marijuana grow site
18 under this section for the normal and customary costs of doing business, including costs related to
19 transferring, handling, securing, insuring, testing, packaging and processing usable marijuana and
20 immature marijuana plants and the cost of supplies, utilities and rent or mortgage.

21 (10) The authority may revoke the registration of a medical marijuana facility registered under
22 this section for failure to comply with ORS 475.300 to 475.346, [or] rules adopted under ORS 475.300
23 to 475.346 **or ordinances adopted by a city or county having jurisdiction over the area in**
24 **which the medical marijuana facility is located pursuant to section 2 of this 2014 Act.** The
25 authority may release to the public a final order revoking a medical marijuana facility registration.

26 (11) The authority shall adopt rules to implement this section, including rules that:

27 (a) Require a medical marijuana facility registered under this section to annually renew that
28 registration; and

29 (b) Establish fees for registering and renewing registration for a medical marijuana facility un-
30 der this section.

31 **SECTION 4. This 2014 Act being necessary for the immediate preservation of the public**
32 **peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect**
33 **March 1, 2014.**

REPORT TO THE CITY COUNCIL FROM THE CITY MANAGER

April 20, 2015

Subject: Recommendation to Approve Ordinance 2015-02, An Ordinance Amending The Sheridan Municipal Code, To Allow Medical Marijuana Dispensaries as a Permitted Use in the Commercial Zone (Section 16.235.020), and the Industrial Zone (Section 16.250.020), and as a Conditional Use in the Mixed Residential Zone (R-3) (Section 16.220.030) and Declaring an Emergency.

Background. The establishment and operation of medical marijuana facilities and dispensaries is regulated by the State of Oregon.

Senate Bill 1531 approved by the Oregon Legislature on March 7, 2014, affirms that cities may adopt ordinances that impose certain types of reasonable regulations on the operation of medical marijuana dispensaries registered and approved by the State of Oregon and permitted a municipality to impose a one-year moratorium on the establishment of medical marijuana dispensaries in their municipality.

The City of Sheridan, on April 7, 2014, imposed a moratorium on the establishment of medical marijuana dispensaries within the City in order to determine whether or when it will adopt or impose reasonable regulations on the locations and operation of medical marijuana dispensaries within the City. The moratorium ends on May 1, 2015. The Sheridan Planning Commission conducted a public hearing on March 9, 2015, received a staff report, and made recommendations to the City Council.

The Sheridan City Council held a public hearing at 7:15 pm on April 6, 2015 to take public comments about a proposed ordinance. The Council wishes to amend the Sheridan Development Code to establish rules governing the location of medical marijuana dispensaries in the Industrial Zone, the Commercial Zone and the Mixed Residential Zone.

During the deliberation, the City Council unanimously agreed to add a 1,000 foot exclusion zone to the real property comprising the Veterans Memorial.

Discussion. The Ordinance adds several definitions to the Development Code (Chapter 16 of the Sheridan Municipal Code. It adds the 14 conditions for use to the applicable parts of Chapter 16. The Ordinance adds a 1,000 foot exclusion zone to the City Park, the Veterans Memorial, the Fishing Pond, the City Library, and any licensed early education school or day care with an annual average daily attendance of at least 15 children.

The Ordinance declares an emergency so that it will be effective upon approval and signature by the Mayor.

Recommendation. Based upon the above, recommend that the City Council approve with one reading by title only, Ordinance 2015-02, An Ordinance Amending The Sheridan Municipal Code, To Allow Medical Marijuana Dispensaries as a Permitted Use in the Commercial Zone (Section 16.235.020), and the Industrial Zone (Section 16.250.020), and as a Conditional Use in the Mixed Residential Zone (R-3) (Section 16.220.030) and Declaring an Emergency.

Francis D. Sheridan

Francis D. Sheridan
City Manager

Attachment: Ordinance 2015-02, An Ordinance Amending The Sheridan Municipal Code, To Allow Medical Marijuana Dispensaries as a Permitted Use in the Commercial Zone (Section 16.235.020), and the Industrial Zone (Section 16.250.020), and as a Conditional Use in the Mixed Residential Zone (R-3) (Section 16.220.030) and Declaring an Emergency (5 pages).

STAFF MEMORANDUM

TO: Sheridan City Council
THRU: Frank Sheridan, City Manager
FROM: Jim Jacks, City Planner
SUBJ: LA 2015-01, Medical Marijuana Facilities (Dispensaries)
DATE: April 6, 2015

BACKGROUND

In 1973 Oregon became the first state to decriminalize the possession of small amounts of marijuana.

In November 1998 Oregon voters passed Ballot Measure 67 into law. The law, known as the Oregon Medical Marijuana Act (ORS 475.300), provides legal protections for qualified patients; requires a physician-written statement of the patients qualifying debilitating medical condition; allows for a caregiver to provide assistance; and mandates a registration system administered by the Oregon Health Authority (OHA). The medical marijuana program under the Oregon Medical Marijuana Act has expanded and developed over time.

Prior to 2013 medical marijuana card holders could possess and use marijuana for medical reasons. The law allowed cardholders to obtain medical marijuana by growing it themselves or by obtaining it from a grower designated by the cardholder. A designated grower could only recover the actual cost of growing the product and could not profit from the sale. Retail outlets for medical marijuana were not allowed.

In 2013 the Oregon Legislature passed House Bill 3460 which amended the law to allow for medical marijuana facilities, also referred to as dispensaries (MMF). The allowance for dispensaries meant card holders could legally purchase marijuana at the dispensaries. House Bill 3460 required the OHA to license dispensaries, establish standards for operators of such facilities and restrict where dispensaries could locate.

Among other provisions, House Bill 3460 required MMFs to be at least 1,000 feet away from private and public schools (K-12) and be 1,000 feet away from one another.

There were questions regarding House Bill 3460 as to whether cities and counties had the authority to adopt regulations in addition to those allowed in the bill, i.e., 1,000 feet from schools and other dispensaries. Some contended cities and counties didn't have the authority to adopt additional restrictions as to location because the law didn't give them that authority, but cities and counties countered stating cities and counties with "home rule" authority clearly could adopt additional restrictions. "Home rule" authority means, in part, that cities and counties with "home

rule” authority can adopt regulations without State Statutes saying they have the specific authority to do so.

To clarify that issue and others, Senate Bill 1531 was passed in the 2014 Legislative Session. The attached Senate Bill 1531 shows the added language in **bold** and deleted language [*in italics and in brackets*]. Language was added making it clear cities and counties can regulate MMF’s.

Additionally, cities and counties were allowed to adopt a moratorium on the placement of MMF’s. A moratorium would provide time for cities and counties to determine if they wanted to adopt local regulations on the location and hours of operation of MMF’s, and if so, what the regulations would be. In 2014 some cities and counties adopted moratoriums and some did not. Per State law all the moratoriums expire on April 30, 2015.

In 2014 the City of Sheridan adopted a moratorium on MMF’s and, consistent with State law, the moratorium expires on April 30, 2015. If any placement and operational regulations in addition to those in State law are to apply to MMF’s as of May 1, 2015, the city must adopt and make them effective on or before May 1, 2015.

The purpose of the proposed Sheridan Development Code amendments is to adopt regulations related to the location and hours of operation of MMF’s. The intent is for the following amendments to be effective on May 1, 2015.

The following proposed amendments are for MMF’s where retail sales of medical marijuana can occur to medical marijuana card holders. The city believes it is in the best interest of the health, safety and welfare of the citizens of the city to adopt such regulations in the Sheridan Development Code.

BALLOT MEASURE 91 – NOVEMBER 2014

The passage by Oregon voters of Ballot Measure 91 in November, 2014, allows the recreational use of marijuana. It allows the possession and smoking of marijuana on July 1, 2015, but the growing, processing, wholesaling and retailing is not allowed until January 1, 2015. It will be implemented by rules adopted several months from now by the Oregon Liquor Control Commission (OLCC). The measure brings into question how the existing medical marijuana laws and their local regulations will be affected.

The 2015 Legislature is considering several bills related to the recreational use of marijuana. Regardless of the Oregon Liquor Control Commission’s administrative rules for Measure 91 and any Bills passed by the 2015 Legislature, the City of Sheridan desires to adopt MMF regulations so that they will be effective on May 1, 2015 and will apply to MMF’s locating in the city. If changes to such regulations are needed later due to the recreational marijuana laws, then the city can amend the Sheridan Development Code at that time.

PLANNING COMMISSION RECOMMENDATION

The Sheridan Planning Commission conducted a public hearing on March 9, 2015. The Commission received the staff report with its recommendation and received testimony from the single party who attended the hearing.

The proposed amendments in the staff report did not include a 1,000 foot area around the site of the Veterans Memorial. The issue was raised during the open hearing whether a 1,000 foot area should also be placed around the Veterans Memorial property. Comments in favor by Mr. Tom Wright of the Delphian School were that the school has offered to maintain the site and its landscaping using students on a quarterly basis and that the school has a zero tolerance policy for drugs of any kind. Additional comments were that the Boy Scouts have offered to place flags at the site on Memorial Day and Veterans Day. The testimony indicated these activities by school age children would justify a 1,000 foot area around the Veterans Memorial.

The discussion included comments that students at the site on a quarterly basis and Scouts at the site a few times per year may not justify the 1,000 foot area being placed around the site. The city should be careful to not place the 1,000 foot area around so many sites that it would appear to be an unjustified effort to exclude MMF's.

The discussion included comments that children go down to the swimming hole in the river at about the location of the Veterans Memorial property. Another comment was children walk throughout the city and walk by many kinds of uses, including taverns and bars and are not, apparently, significantly negatively affected by such proximity and may not be significantly affected by walking by a MMF in the area of Veterans Memorial.

Consistent with State Statutes the proposed amendments allow MMF's in the Mixed Residential Zone (R-3), the Commercial Zone (C) and the Industrial Zone (I) subject to regulations such as the 1,000 foot distance. The proposed amendments leave three areas available for MMF's in the Commercial Zone. See the map attached to this staff report. They are the area along W. Main near the Veterans Memorial site, the southern portion of the Sheridan Country Inn site (1330 W. Main) and the manufactured home sales office area on the east portion of the Liberty Homes property between SE Sheridan Road and Highway 18 (940 and 948 SE Sheridan Rd.).

If a 1,000 foot area around the Veterans Memorial is included, then two areas in the Commercial Zone would be eligible for MMF's, i.e., the Sheridan Country Inn site and the manufactured home sales office area on the east portion of the Liberty Homes property between SE Sheridan Road and Highway 18.

In addition to the Commercial lands, above, other properties in the Industrial Zone would be available for MMF's as permitted uses and other properties in the Mixed Residential Zone (R-3) would be available for MMF's.

The Planning Commission hearing was closed and the Commission deliberated to a recommendation that the City Council approve the proposed amendments with the addition of a 1,000 foot area around the Veterans Memorial property.

PROPOSED AMENDMENTS

The following proposed amendments to the Sheridan Development Code define terms, add MMF's as a permitted use in the Commercial District and the Industrial District, and as a conditional use in the Mixed Residential (R-3) District, all subject to distance and operating hour regulations.

The following proposed language by staff does not include 1,000 feet around the Veterans Memorial property. If such language is added by the City Council it could be added to the list of City Park and South City Park (fishing pond) in Section 16.235.020, R, 3 (Commercial Zone Permitted Uses)(page 7), Section 16.250.020, G, 3 (Industrial Zone Permitted Uses)(page 10) and Section 16.220.030, E, 3 (Mixed Use Residential Conditional Uses)(page 14).

The following shows language to be added in **bold and underlined** and language to be deleted in ~~strikeout~~. The Development Code Chapter headings and Section headings are in bold as part of the formatting, thus note the Chapter and Section headings are not language to be added.

DEFINITION SECTION

The following three new definitions are proposed to be added to Section 16.109.

Chapter 16.100

GENERAL PROVISIONS AND DEFINITIONS

Sections:

- 16.101 Title.**
- 16.102 Purpose.**
- 16.103 Conformance Required.**
- 16.104 Authority to Administer.**
- 16.105 Violations.**
- 16.106 Language Is Minimum Requirement.**
- 16.107 Effect on Other Public and Private Regulations and Restrictions.**
- 16.108 Savings Clause.**
- 16.109 Definitions.**

No amendments to Sections 16.101 – 16.108.

16.109.010 Definitions.

A. General and Specific Terms. The definitions in this section include those terms that are applicable to the entire Title 16. Additional definitions are in Chapter 16.275, Airport Overlay District, and Chapter 16.280, Floodplain Overlay District, and those terms are applicable to the specific chapter.

B. Where terms are not defined they shall have their ordinary accepted meanings within the context of their use. The contemporary edition of Merriam Webster's Collegiate Dictionary

(copyright 1998) and definitions from State Statutes and Oregon Administrative Rules shall be considered as providing accepted meanings.

C. As used in this title:

“Marijuana” is as defined under ORS 475.005.

“Medical Marijuana Facility (Dispensary)” means a facility registered by the Oregon Health Authority under ORS 475.300 to 475.346 and that sells, distributes, transmits, gives, dispenses or otherwise provides medical marijuana to medical marijuana qualifying patients.

“Medical Marijuana Qualifying Patient” means a registry identification cardholder (person who has been diagnosed by a physician as having a debilitating medical condition) as further defined under ORS 475.302(3) or the designated primary caregiver of the cardholder as defined by ORS 475.302(5).

“Infusion” means a facility or business that incorporates medical marijuana by means of cooking, blending, or incorporation into consumable or edible goods.

COMMERCIAL DISTRICT

The following new language is proposed to be added to Section 16.235.

No amendments are proposed to Sections 16.235.010, and .030 - .100.

Section 16.235 Commercial District (C)

Sections:

- 16.235.010 Purpose.**
- 16.235.020 Permitted uses.**
- 16.235.030 Conditional uses.**
- 16.235.035 Small-scale manufacturing.**
- 16.235.040 Density standard.**
- 16.235.050 Not used.**
- 16.235.060 Dimensional standards.**
- 16.235.070 Development standards.**
- 16.235.080 Not used.**
- 16.235.090 Redevelopment plan.**
- 16.235.100 Dwelling relocation.**

16.235.010 Purpose.

The purpose of the C District is to provide areas for a broad range of commercial retail, office and service uses to meet the economic needs of the city and its market area.
(Ord. 93-5 Exh. A § 2.105.01, 1993)

16.235.020 Permitted uses.

The following uses are permitted in the C District when developed under the applicable development standards of this title:

A. Retail trade establishments engaged in selling goods or merchandise to the general public for personal or household consumption such as retail groceries, hardware stores, department stores, automobile service station subject to the provisions in Section 16.465, Service Station Standards, and sporting goods stores;

B. Retail service establishments offering services and entertainment to the general public for personal or household consumption such as eating and drinking establishments, motels and hotels (but excluding recreational vehicle parks and campgrounds), banks, real estate, and financial services;

C. Business service establishments engaged in rendering services to other businesses on a fee or contract basis such as building maintenance, employment services, and consulting services;

D. Professional offices and clinics for medical, dental, legal, engineering and other professions;

E. Wholesale trade or distribution, warehousing, and storage that is accessory and subordinate to a permitted use;

F. Limited manufacturing, including the following:

1. Bakeries,
2. Beverage bottling plants,
3. Machine shops,
4. Handicraft manufacturing;

G. Dwellings shall be permitted subject to the following provisions:

1. A dwelling may be established in a building with a permitted commercial use provided it is necessary and clearly accessory and subordinate to a permitted commercial use.

2. A dwelling not clearly accessory and subordinate to a permitted commercial use may be established on the second or upper floors of a permitted commercial use.

3. A dwelling not clearly accessory and subordinate to a permitted commercial use may be established on the first floor of a commercial use, subject to the following restrictions:

- a. The dwelling is located at the rear of the building.
- b. Pedestrian access to the dwelling is not from the front of the commercial building or from a public street.
- c. The dwelling shall not access commercial uses located within the building containing the commercial use.

d. No more than 1 first floor dwelling shall be permitted per commercial building irrespective of the number of commercial spaces within the building. The dwelling shall occupy no more than 50 percent of the rear of the first floor area of the commercial building.

H. Day nursery with less than 13 children and day care center with 13 or more children;

I. Residential care home subject to the design standards in Section 16.220.070, D, and residential care facility, assisted living center, nursing home and convalescent center, subject to the provisions of Section 16.568, Site Development Review;

J. Public and private utility buildings and structures, including but not limited to electric substations, telephone exchanges, and communications antennas or towers, subject to the provisions of Section 16.568, Site Development Review;

K. Public facility and government use, subject to the provisions of Section 16.568, Site Development Review;
(Ord. 2001-3 § 1, 2001; Ord. 98-5 § 1, 1998; Ord. 93-5 Ex. A § 2.105.02, 1993)

L. Health and fitness facility;

M. Home occupation, subject to the provisions of Sections 16.550, Major Home Occupation and 16.552, Minor Home Occupation;

N. Bed and breakfast establishment, subject to the provisions of Section 16.415, Bed and Breakfast Establishments, and Section 16.568, Site Development Review;

O. House of worship, subject to the provisions of Section 16.562, Site Development Review;

P. Temporary and portable uses, subject to the provisions of Section 16.572, Temporary and Portable Uses; and

Q. Antennas, but not towers, related to a wireless communication facility subject to the provisions of Section 16.495, Wireless Communication Facility and Section 16.568, Site Development Review.

R. Medical Marijuana Facility (Dispensary) provided the following are met:

1. Shall not be located within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors;

2. Shall not be located within 1,000 feet of a licensed early education school or day care with an annual average daily attendance of at least 15 children;

3. Shall not be located within 1,000 feet of City Park (between Yamhill and Sherman Streets at Box Street) or South City Park (fishing pond park);

4. Shall not be located within 1,000 feet of the City Library;

5. Shall not be located within 1,000 feet of another Medical Marijuana Facility;

6. The Medical Marijuana Facility shall not open earlier than 7:00 a.m. and shall close no later than 6:00 p.m.;

7. Provide evidence to the city the business is currently registered under the State of Oregon's medical marijuana facility registration system under ORS 475.300 through 475.346;

8. The Medical Marijuana Facility shall be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle;

9. The exterior appearance of the structure shall not cause blight, or cause deterioration or avoidable depreciation in property values within the general vicinity.

10. Cultivation or infusion of medical marijuana at the site of the Medical Marijuana Facility is prohibited.

11. The Medical Marijuana Facility business shall provide for the secure disposal of marijuana remnants and by-products; such remnants and by-products shall not be placed within the facility's exterior refuse containers.

12. Drive-through services are prohibited.

13. The on-site consumption of marijuana in any form is prohibited.

INDUSTRIAL DISTRICT

The following new language is proposed to be added to Section 16.250.

No amendments are proposed to Sections 16.250.010, and .030 - .100.

Section 16.250 Industrial District (I)

Sections:

- 16.250.010 Purpose.**
- 16.250.020 Permitted uses.**
- 16.250.030 Conditional uses.**
- 16.250.040 Not used.**
- 16.250.050 Not used.**
- 16.250.060 Dimensional standards.**
- 16.250.070 Development standards.**
- 16.250.080 Not used.**
- 16.250.090 Redevelopment plan.**
- 16.250.100 Dwelling relocation.**

16.250.010 Purpose.

The purpose of the I District is to provide areas for general industrial uses which do not produce excessive odor, dust, smoke, cinders, fumes, noise, glare, heat or vibration to meet the economic needs of the city and its market area.

(Ord. 93-5 Exh. A § 2.106.01, 1993)

16.250.020 Permitted uses.

The following uses are permitted in the I District when developed under the applicable development standards of this title:

A. Manufacturing, assembly, and secondary processing uses:

1. Food processing, including canning, freezing, drying, dairy products and similar food processing and preserving; beverage bottling facility, including warehousing and distribution, but excluding processes which involve the slaughter or processing of animals.

2. Textile mill products including apparel and other finished products made from fabrics and similar materials.

3. Lumber and wood products, including primary wood processing and cabinet shop.

4. Printing, publishing, and allied industries.

5. Rubber and miscellaneous plastics.

6. Leather and leather goods, excluding leather tanning and finishing.

7. Cement, glass, clay and stone products manufacturing.

8. Fabricated metal products, including welding, blacksmith and machine shop.

9. Electrical and electronic equipment, machinery and supplies, but excluding storage batteries and primary batteries.

10. Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks.

11. Freight terminals, including loading docks, storage, warehousing and wholesale distribution.

12. Wholesale trade and distribution facilities, but excluding trade and distribution involving:

a. Scrap and waste material;

b. Farm-product raw materials;

c. Chemicals and allied products; and

d. Petroleum and petroleum products.

13. Similar establishments, not specifically defined or excluded, engaged in manufacturing, processing, packing, assembly, distribution, repair, finishing or refinishing, fabrication, testing, research and development, warehousing and servicing facilities.

B. Commercial uses:

1. Automobile service station subject to the provisions in Section 16.465, Service Station Standards;

2. Automotive electric motor repair, auto parts retail and wholesale sales;

3. Automotive body shop;

4. Mini-warehouse (self service storage facility);

5. Lumber yard and supplies for lumber, stone, masonry or metal contractors;

6. Trade contracting facilities, such as floor laying, building equipment, masonry and stone, plumbing, electrical, metal work and painting;

7. Tractor, farm equipment, heavy construction equipment, and logging equipment, sales, service, repair and rental;

8. Machinery sales, service, repair and rental;
 9. Automobile, truck, trailer and recreational vehicle sales, service, repair and rental;
 10. Boat and marine accessory sales, service, repair and rental;
 11. Motorcycle sales, service, repair and rental;
 12. Towing service; and
 13. Manufactured home sales.
- (Ord. 93-5 Exh. A § 2.106.02, 1993)

C. Home occupation, subject to the provisions of Sections 16.550, Major Home Occupation Application, and 16.552, Minor Home Occupation Application.

D. Public facility and government use.

E. Private or public recreation facility.

F. Wireless communication facility.

G. Medical Marijuana Facility (Dispensary) provided the following are met:

1. Shall not be located within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors;

2. Shall not be located within 1,000 feet of a licensed early education school or day care with an annual average daily attendance of at least 15 children;

3. Shall not be located within 1,000 feet of City Park (between Yamhill and Sherman Streets at Box Street) or South City Park (fishing pond park);

4. Shall not be located within 1,000 feet of the City Library;

5. Shall not be located within 1,000 feet of another Medical Marijuana Facility;

6. The Medical Marijuana Facility shall not open earlier than 7:00 a.m. and shall close no later than 6:00 p.m.;

7. Provide evidence to the city the business is currently registered under the State of Oregon's medical marijuana facility registration system under ORS 475.300 through 475.346;

8. The Medical Marijuana Facility shall be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle;

9. The exterior appearance of the structure shall not cause blight, or cause deterioration or avoidable depreciation in property values within the general vicinity.

10. Cultivation or infusion of medical marijuana at the site of the Medical Marijuana Facility is prohibited.

11. The Medical Marijuana Facility business shall provide for the secure disposal of marijuana remnants and by-products; such remnants and by-products shall not be placed within the facility's exterior refuse containers.

12. Drive-through services are prohibited.

13. The on-site consumption of marijuana in any form is prohibited.

MIXED RESIDENTIAL DISTRICT

The following new language is proposed to be added to Section 16.220.

No amendments are proposed to Sections 16.235.010, .020, and .040 - .110.

Section 16.220 Mixed Residential District (R-3)

Sections:

- 16.220.010 Purpose.**
- 16.220.020 Permitted uses.**
- 16.220.030 Conditional uses.**
- 16.220.040 Density standard.**
- 16.220.050 Lot coverage.**
- 16.220.060 Dimensional standards.**
- 16.220.070 Development standards.**
- 16.220.080 Limitations on buildings.**
- 16.220.090 Redevelopment plan.**
- 16.220.100 Dwelling relocation.**
- 16.220.110 Attached dwellings.**

16.220.010 Purpose.

The purpose of the R-3 District is to provide areas for a mixture of single-family, two-family (duplex), multifamily, manufactured homes, and limited retail and service commercial uses. (Ord. 93-5 Exh. A § 2.103.01, 1993)

16.220.020 Permitted uses.

A. The following residential and noncommercial uses are permitted in the R-3 District when developed under the applicable development standards of this title:

1. Single-family dwellings , detached, on one lot or parcel, subject to the design standards in Section 16.220.070, D, and other applicable sections, and a manufactured home on one lot or parcel subject to the design standards in Sections 16.220.070, D, and 16.390.020, Manufactured Home Standards, and other applicable sections;

2. Attached single-family dwelling, subject to the provisions in Section 16.220.070, D, Single Family Dwelling Design Standards, and Section 16.220.120, Attached Dwellings, and other applicable sections;
3. Two -family dwelling (duplex);
4. Multifamily dwellings, including apartments, townhouses and condominiums, subject to the provisions of Section 16.568, Site Development Review, and other applicable sections;
5. Manufactured home parks, subject to the provisions of Section 16.556, Manufactured Home Park Applications, and other applicable sections;
6. Bed and breakfast establishments, subject to the provisions of Section 16.415, Bed and Breakfast Establishments, and Section 16.568, Site Development Review;
7. Residential care home, subject to the design standards in Section 16.220.070, D, residential care facility, assisted living center, and nursing facility subject to the provisions of Section 16.568, Site Development Review, and other applicable sections;
8. Day nursery with less than 13 children and day care center with 13 or more children;
9. Planned unit developments, subject to the provisions of Sections 16.570, Subdivisions, 16.562, Planned Unit Developments, and other applicable sections;
10. Home occupations, subject to the provisions of Sections 16.550, Major Home Occupation and 16.552, Minor Home Occupation;
11. Accessory structures :
 - a. For a property where the primary use is a single-family dwelling, manufactured home, or duplex, accessory structures are allowed provided they are:
 - i. Less than 150 square feet in gross floor area, less than 12 feet in height, and located in a side or rear yard;
 - ii. 150 to 450 square feet in gross floor area, except for green houses are constructed of roofing and siding materials which are similar to that of the dwelling on the site or dwellings on the abutting properties, less than 20 feet in height, and located in a side or rear yard.
 - b. For a property where the primary use is a multi-family dwelling, accessory structures are allowed provided they are:
 - i. In compliance with the requirements for the zoning district and other applicable sections of this title; and
 - ii. Constructed of roofing and siding materials which are similar to that of the multi-family dwelling on the site, and less than 20 feet in height.
 - c. For a property where the primary use is a non-residential use, accessory structures are allowed provided they are:
 - i. In compliance with the requirements for the zoning district and other applicable sections of this title; and
 - ii. Constructed of roofing and siding materials which are similar to that of the dwellings on the abutting properties, and less than 20 feet in height.
12. Public park, and open space;
13. House of worship subject to the provisions Section 16.568, Site Development Review, and other applicable sections;

B. The following commercial uses are permitted in the R-3 District, subject to the provisions of Section 16.568, Site Development Review, the provisions in subsection C of this section, and other applicable sections :

1. Professional offices;
2. Retail trade establishments engaged in selling goods or merchandise to the general public for personal or household consumption such as retail groceries, hardware stores, department stores and sporting goods stores, excluding gas stations;
3. Retail service establishments offering services and entertainment to the general public for personal or household consumption such as eating and drinking establishments (excluding drive-in restaurants), motels, hotels, banks, real estate, and financial services;
4. Business service establishments engaged in rendering services to other businesses on a fee or contract basis such as building maintenance, employment services, and consulting services.
5. Clinics.

C. Commercial uses permitted in accordance with Subsection B shall be subject to the following limitations:

1. The activity shall be conducted wholly within an enclosed building.
2. The maximum lot size for any commercial use shall be one acre.
3. The lot shall abut a collector or arterial street.
4. Uses operating before 7:00 a.m. or after 10:00 p.m. shall be a conditional use subject to the provision of Section 16.546, Conditional Use Permit.
5. Commercial uses shall not engage in the manufacturing, processing, assembly or compounding of products other than those clearly incidental to the business conducted on the premises.
6. The conduct of any business activity shall not generate or produce noise, odor, dust, smoke, vibration, or other similar impacts.
7. The commercial use shall have a floor area of 2,500 square feet or less.
(Ord. 97-14 § 2 (part), 1997; Ord. 93-5 Exh. A § 2.103.02, 1993)

16.220.030 Conditional uses.

The following uses may be permitted in the R-3 District subject to obtaining a conditional use permit:

- A. Commercial uses, permitted in Section 16.220.020, operating before 7:00 a.m. or after 10:00 p.m.;
- B. Public facility or government use;
- C. Cemetery;
- D. Accessory structures over 450 square feet in gross floor area:
 1. For a lot or parcel where the primary use is a single-family dwelling, manufactured home, or duplex, accessory structures may be allowed provided they are:
 - a. Constructed of roofing and siding materials which are similar to that of the dwelling on the site or dwellings on the abutting properties;

- b. Less than 20 feet in height; and
 - c. Located in a side or rear yard.
 - 2. For a lot or parcel where the primary use is a multi-family dwelling, accessory structures are allowed provided they are:
 - a. In compliance with the requirements for the zoning district and other applicable sections of this title;
 - b. Constructed of roofing and siding materials which are similar to that of the multi-family dwellings on the site; and
 - c. Less than 20 feet in height.
 - 3. For a lot or parcel where the primary use is a non-residential use, accessory structures are allowed provided they are:
 - a. In compliance with the requirements for the zoning district and other applicable sections of this title;
 - b. Constructed of roofing and siding materials which are similar to that of typical good quality commercial materials; and
 - c. Less than 20 feet in height.
- (Ord. 93-5 Exh. A § 2.103.03, 1993)

E. Medical Marijuana Facility (Dispensary) provided the conditional use permit criteria in Section 16.546.040 and the following are met:

- 1. Shall not be located within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors;**
- 2. Shall not be located within 1,000 feet of a licensed early education school or day care with an annual average daily attendance of at least 15 children;**
- 3. Shall not be located within 1,000 feet of City Park (between Yamhill and Sherman Streets at Box Street) or South City Park (fishing pond park);**
- 4. Shall not be located within 1,000 feet of the City Library;**
- 5. Shall not be located within 1,000 feet of another Medical Marijuana Facility;**
- 6. The Medical Marijuana Facility shall not open earlier than 7:00 a.m. and shall close no later than 6:00 p.m.;**
- 7. Provide evidence to the city the business is currently registered under the State of Oregon's medical marijuana facility registration system under ORS 475.300 through 475.346;**
- 8. The Medical Marijuana Facility shall be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle;**
- 9. The exterior appearance of the structure shall not cause blight, or cause deterioration or avoidable depreciation in property values within the general vicinity.**

10. Cultivation or infusion of medical marijuana at the site of the Medical Marijuana Facility is prohibited.

11. The Medical Marijuana Facility business shall provide for the secure disposal of marijuana remnants and by-products; such remnants and by-products shall not be placed within the facility's exterior refuse containers.

12. Drive-through services are prohibited.

13. The on-site consumption of marijuana in any form is prohibited.

No changes are proposed to Sections 16.220.040 to .110, thus they are not included.

FINDINGS

The following findings conclude the proposed amendments are consistent with Statewide Planning Goals 1, Citizen Involvement, and 2, Land Use Planning, and the remaining Statewide Planning Goals do not apply. The findings also conclude the proposed Plan is consistent with the applicable criteria in the Sheridan Development Code for legislative amendments to the text of the Sheridan Development Code.

Statewide Planning Goals

Goal 1, Citizen Involvement: The Planning Commission is scheduled to hold a public hearing March 9, 2015 and the City Council will hold a hearing on April 6 to receive comments from the public. This is consistent with the City procedures for legislative amendments to the Sheridan Development Code. Goal 1 is met.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged Sheridan Development Code for processing legislative amendments to the Sheridan Development Code. Goal 2 supports clear and thorough local procedures. The proposed amendments are based on State Statutes arising from the 2013 House Bill 3460 and the 2014 Senate Bill 1531. Goal 2 is met.

Goal 3, Agricultural Lands: Goal 4, Forest lands: Goals 3 and 4 are not applicable. The proposal does not involve or affect farm or forest lands.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources. Goal 5 is not applicable. The proposal does not address Goal 5 resources.

Goal 6, Air, Water and Land Resource Quality: Goal 6 is not applicable. The proposal does not address Goal 6 resources.

Goal 7, Natural Hazards: Goal 7 is not applicable. The proposal does not address Goal 7 resources.

Goal 8, Recreation: Goal 8 is applicable. The proposal does not address recreational needs.

Goal 9, Economic Development: Goal 9 is not applicable. The proposal does not address Goal 9 issues.

Goal 10, Housing: Goal 10 is not applicable. The proposal does not address Goal 10 issues.

Goal 11, Public Facilities and Services: Goal 11 is not applicable. The proposal does not address Goal 11 issues.

Goal 12, Transportation: Goal 12 is not applicable. The proposal does not address Goal 12 issues.

Goal 13, Energy Conservation: Goal 13 is not applicable. The proposal does not address Goal 13 resources.

Goal 14, Urbanization: Goal 14 is not applicable. The proposal does not address Goal 14 issues.

The proposed amendments to the Sheridan Development Code are consistent with the intent of Statewide Goals 1 and 2 and the remaining Goals are not applicable because the amendments do not affect issues addressed by Goals 3 - 14.

Sheridan Development Code Criteria

The Sheridan Development Code, Section 16.542.040, sets forth approval criteria for legislative amendments to the text of the Sheridan Development Code. The proposed amendments constitute a legislative amendment to the text of the Sheridan Development Code.

The criteria follow:

- A. Compliance with the statewide planning goals that apply to the requested changes;

Finding: See above.

- B. Compliance with the applicable policies in the Comprehensive Plan that apply to the requested changes;

Finding: The policies of the Comprehensive Plan were carefully reviewed and none were found to be applicable.

- C. Uses allowed in the proposed Comprehensive Plan Map designation and zoning district will not significantly affect existing or planned uses on adjacent lands nor destabilize the land use pattern in the vicinity;

Finding: The proposed amendments do not affect the Comprehensive Plan Map designations or the Zone Map. The proposed amendments allow MMFs in the R-3, C and I Zones subject to requirements consistent with State Statutes. Criterion C is met.

D. Public facilities and services necessary to support uses allowed in the proposed Comprehensive Plan Map designation and zoning district are available or are likely to be available in the near future; and

Finding: Criterion D does not apply because the public facilities needed to serve MMFs are not proposed to be changed.

E. Compliance with the Oregon Administrative Rules that apply to the requested changes.

Finding: Criterion E is not applicable because no OARs apply to the proposed changes.

CONCLUSION

The proposed amendments to the Sheridan Development Code are consistent with Statewide Land Use Planning Goal 1, Citizen Involvement, and Goal 2, Land Use Planning, and the remaining Goals are not applicable. The proposed amendments are consistent with the Development Code's criterion for legislative Development Code text amendments.

STAFF RECOMMENDATION

Staff recommends the City Council approve the proposed amendments for medical marijuana facilities (dispensaries), shown above, to the Sheridan Development Code. Note, the staff recommendation does not include a 1,000 foot area around the Veterans Memorial property.

An example motion is:

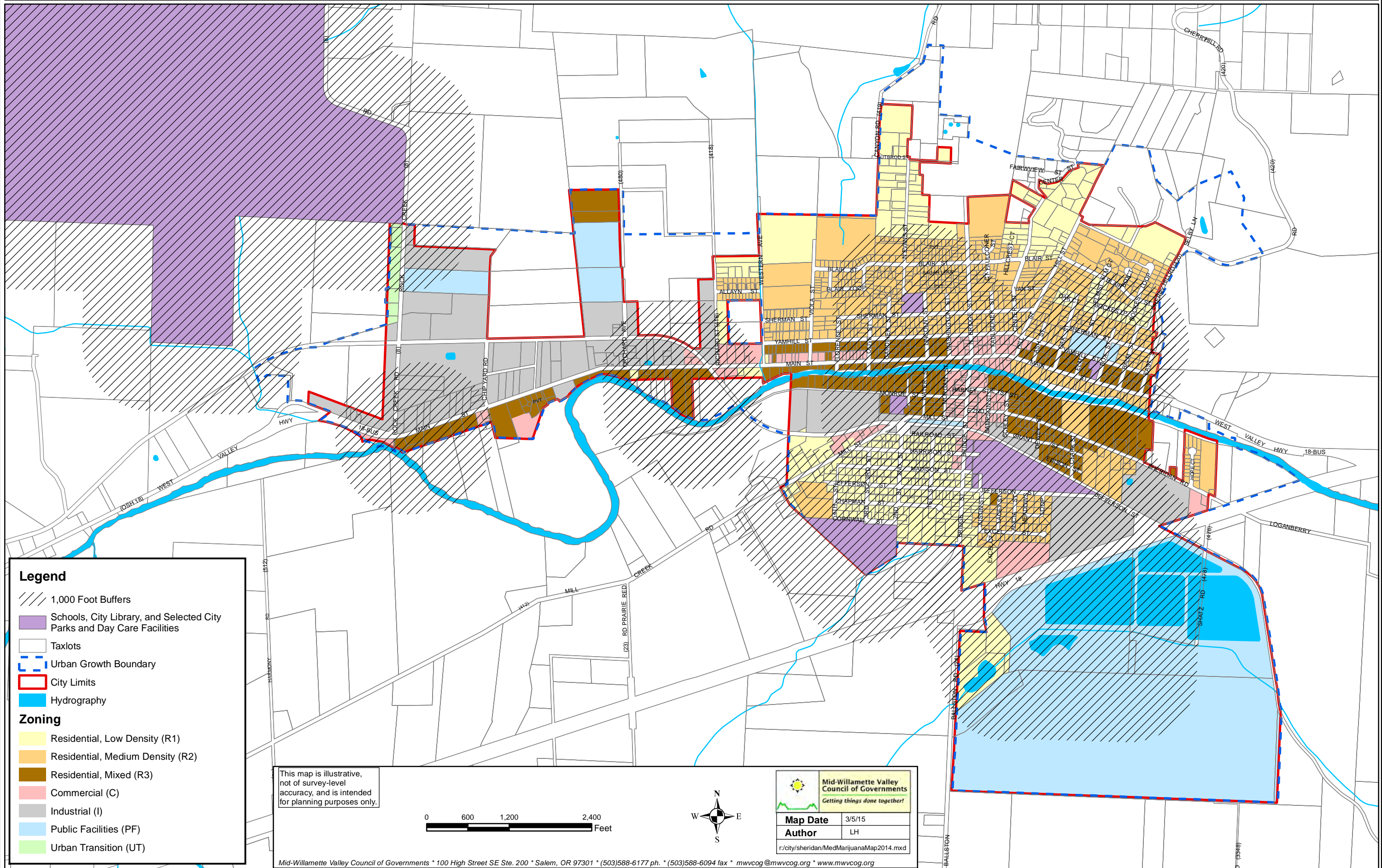
"I move the City Council approve the proposed amendments for medical marijuana facilities (dispensaries), shown above, to the Sheridan Development Code and begin the Ordinance adoption process by reading the attached Ordinance by title only."

Attachment 1: SB 1531, 2014 Legislature.

Attachment 2: Map showing the 1,000 foot areas around selected properties.

Attachment 3: Ordinance 2015-02

City of Sheridan Medical Marijuana Dispensary Buffers (1,000 Feet)



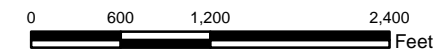
Legend

- 1,000 Foot Buffers
- Schools, City Library, and Selected City Parks and Day Care Facilities
- Taxlots
- Urban Growth Boundary
- City Limits
- Hydrography

Zoning

- Residential, Low Density (R1)
- Residential, Medium Density (R2)
- Residential, Mixed (R3)
- Commercial (C)
- Industrial (I)
- Public Facilities (PF)
- Urban Transition (UT)

This map is illustrative, not of survey-level accuracy, and is intended for planning purposes only.



Mid-Willamette Valley Council of Governments
Getting things done together!

Map Date	3/5/15
Author	LH
r:/city/sheridan/MedMarijuanaMap2014.mxd	