



Oregon

Kate Brown, 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



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

Date: January 27, 2016

Jurisdiction: City of Sheridan

Local file no.: LA 2015-03

DLCD file no.: 003-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 01/25/2016. 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.: 003-15 {24156}

Received: 1/25/2016

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 2015-03**

Date of adoption: 1/19/16

Date sent: 1/25/2016

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): 12/3/15

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:

No

Local contact (name and title): Jim Jacks

Phone: 503 843-2347

E-mail: jjacks@wavecable.com

Street address: 120 SW Mill Street

City: Sheridan

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:

16.220.030(R-3 CUP); 16.235.020 (C permitted uses); 16.250.020 (I permitted uses); 16.250.020, H (I new permitted use H).

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:
---------------------------	--------------	----------------

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

List affected state or federal agencies, local governments and special districts: OLCC for recreational marijuana.

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.

1/19/16 Staff report to the city council with "mark-up" version of amendments and findings.

ORDINANCE 2016-01

AN ORDINANCE AMENDING THE SHERIDAN DEVELOPMENT CODE, TITLE 16 OF THE SHERIDAN MUNICIPAL CODE, RELATED TO RECREATIONAL MARIJUANA; AND DECLARING AN EMERGENCY.

WHEREAS, the Sheridan Development Code, Title 16 of the Sheridan Municipal Code, includes regulations concerning the location of land uses within the various zones within the City of Sheridan;

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

WHEREAS, House Bill 3400 approved by the 2015 Oregon Legislature provides that cities may adopt ordinances that impose certain types of reasonable regulations on the establishment and operation of recreational marijuana operations licensed and approved by the State of Oregon;

WHEREAS, the Oregon Liquor Control Commission on October 22, 2015 adopted Oregon Administrative Rule 845-025 related to recreational marijuana operations;

WHEREAS, the Sheridan City Council wishes to amend Chapter 16.220, Mixed Residential District (R-3), Chapter 16.235, Commercial District (C), and Chapter 16.250, Industrial District (I) of the Sheridan Municipal Code to establish rules governing the location of recreational marijuana operations;

WHEREAS, the Sheridan Planning Commission conducted a public hearing on January 11, 2016 at which time interested parties were given full opportunity to be present and heard and passed a motion recommending the City Council approve the proposed rules governing recreational marijuana operations; and

WHEREAS, the Sheridan City Council conducted a public hearing on January 19, 2016 at which time interested parties were given full opportunity to be present and heard on the proposed rules governing the location of medical marijuana facilities.

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

Section 1. The City Council of the City of Sheridan does hereby adopt the staff report dated January 19, 2016, including those certain findings of fact and conclusionary findings and supporting documentation attached hereto as Exhibit "A" and by this reference made a part hereof.

Section 2. Section 16.220.030, Mixed Residential District (R-3), Conditional Uses, Subsection E, of the Sheridan Municipal Code is amended to read:

16.220.030 Conditional uses.

E. Medical Marijuana Facility (Dispensary) and recreational marijuana retail sales facility 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), 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 or a recreational marijuana retail sales facility;
6. A Medical Marijuana Facility and a recreational marijuana retail sales 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 medical marijuana facility business is currently registered under the State of Oregon's medical marijuana facility registration system under ORS 475.300 through 475.346 or the recreational marijuana retail sales facility business is currently licensed under the State of Oregon's recreational marijuana retail sales facility licensing system under OAR 845.025 and applicable Oregon Administrative Rules;
8. A Medical Marijuana Facility or a recreational marijuana retail sales 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 or recreational marijuana at the site of a Medical Marijuana Facility or a recreational marijuana retail sales facility is prohibited.
11. A Medical Marijuana Facility or recreational marijuana retail sales facility 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 unsecured exterior refuse containers.
12. Drive-through services are prohibited.
13. The on-site consumption of marijuana in any form is prohibited.

Section 3. Section 16.235.020, Commercial District (C), Permitted Uses, Subsection R, of the Sheridan Municipal Code is amended to read:

16.235.020 Permitted uses.

R. Medical Marijuana Facility (Dispensary) and recreational marijuana retail sales facility 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), 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 or a recreational marijuana retail sales facility;
6. A Medical Marijuana Facility and a recreational marijuana retail sales 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 medical marijuana facility business is currently registered under the State of Oregon's medical marijuana facility registration system under ORS 475.300 through 475.346 or the recreational marijuana retail sales facility business is currently licensed under the State of Oregon's recreational marijuana retail sales facility licensing system under OAR 845.025 and applicable Oregon Administrative Rules;
8. A Medical Marijuana Facility or a recreational marijuana retail sales 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 or recreational marijuana at the site of a Medical Marijuana Facility or a recreational marijuana retail sales facility is prohibited.
11. A Medical Marijuana Facility or recreational marijuana retail sales facility 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 unsecured exterior refuse containers.
12. Drive-through services are prohibited.

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

Section 4. Section 16.250.020, Industrial District (I), Permitted Uses, Subsection G, of the Sheridan Municipal Code is amended to read:

16.250.020 Permitted uses.

G. Medical Marijuana Facility (Dispensary) and recreational marijuana retail sales facility 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), 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 or a recreational marijuana retail sales facility;
6. A Medical Marijuana Facility and a recreational marijuana retail sales 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 medical marijuana facility business is currently registered under the State of Oregon's medical marijuana facility registration system under ORS 475.300 through 475.346 or the recreational marijuana retail sales facility business is currently licensed under the State of Oregon's recreational marijuana retail sales facility licensing system under OAR 845.025 and applicable Oregon Administrative Rules;
8. A Medical Marijuana Facility or a recreational marijuana retail sales 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 or recreational marijuana at the site of a Medical Marijuana Facility or a recreational marijuana retail sales facility is prohibited.

11. A Medical Marijuana Facility or recreational marijuana retail sales facility 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 unsecured exterior refuse containers.

12. Drive-through services are prohibited.

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

Section 5. Section 16.250.020, Industrial District (I), Permitted Uses, of the Sheridan Municipal Code is amended to add Subsection H to read:

16.250.020 Permitted uses.

H. Recreational marijuana production (growing), processing, wholesaling and laboratory provided the following are met:

1. Excepting wholesaling and laboratory uses, 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 be contained within a building enclosed on all sides by permanent walls and doors.

3. Shall not be located on the same property as a medical marijuana facility or a recreational marijuana retail sales facility.

Section 6. Emergency Declared

This Ordinance being necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Sheridan, an emergency is hereby declared to exist, and this Ordinance shall take effect immediately upon its passage by the City Council and approval by the Mayor.

PASSED and adopted by the City Council of the City of Sheridan on this 19th day of January, 2016 by the following votes:

AYES: Acuff, Cain, Adamson, Ellis, Quinones, McCandless

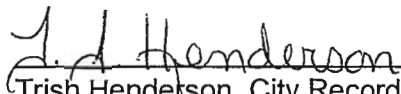
NAYS: None

ABSTAIN: None

ABSENT: None

Approved by the Mayor on this 19th day of January, 2016.

SIGNED:  1-19-2015
Harry Cooley, Mayor Date

ATTEST:  1-19-2015
Trish Henderson, City Recorder Date

STAFF MEMORANDUM

TO: Sheridan City Council
FROM: Jim Jacks, City Planner
SUBJ: LA 2015-03, Recreational Marijuana Sales, Wholesaling, Production & Processing
DATE: January 19, 2016

BACKGROUND

On April 20, 2015 the City of Sheridan amended the Sheridan Development Code to allow medical marijuana facilities (retail outlets)(MMF) in the Mixed Residential (R-3), Commercial (C) and Industrial (I) Districts, subject to standards related to time, manner and place.

The purpose of the proposed Sheridan Development Code amendments today is to adopt regulations related to recreational marijuana retail sales, production (growing), processing and wholesaling. 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 (BM) 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, 2016. BM 91 was implemented by Oregon Administrative Rules adopted October 22, 2015 by the Oregon Liquor Control Commission (OLCC).

PROPOSED AMENDMENTS

The following proposed amendments to the Sheridan Development Code allow recreational marijuana retailing in the same districts as MMF's, i.e., Mixed Residential (R-3) (conditional use), Commercial (C) (permitted outright) and Industrial (I) (permitted outright), subject to standards. They also allow the production (growing), processing, and wholesaling as permitted uses in the I District, subject to standards.

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 the Chapter and Section headings are not language to be added.

The following language includes the amendments from April 20, 2015 for MMF's as existing language and shows the recreational amendments in bold underlined and strikeout.

MIXED RESIDENTIAL DISTRICT

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

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.**

No amendments are proposed to Sections 16.220.01 and .020.

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) **and recreational marijuana retail sales facility** 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), 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 **or a recreational marijuana retail sales facility**;
6. ~~The~~ **A** Medical Marijuana Facility **and a recreational marijuana retail sales 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 **medical marijuana facility** business is currently registered under the State of Oregon's medical marijuana facility registration system under ORS 475.300 through 475.346 **or the recreational marijuana retail sales facility business is currently licensed under the State of Oregon's recreational marijuana retail sales facility licensing system under OAR 845.025 and applicable Oregon Administrative Rules** ;
8. ~~The~~ **A** Medical Marijuana Facility **or a recreational marijuana retail sales 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 **or recreational marijuana** at the site of ~~the~~ **a** Medical Marijuana Facility **or a recreational marijuana retail sales facility** is prohibited.

11. The **A** Medical Marijuana Facility **or recreational marijuana retail sales 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 **unsecured** 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.

COMMERCIAL DISTRICT

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

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.**

No amendments are proposed to Section 16.235.010.

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 Exh. 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) **and recreational marijuana retail sales facility** 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), 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 **or a recreational marijuana retail sales facility**;

6. The **A** Medical Marijuana Facility **and a recreational marijuana retail sales 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 **medical marijuana facility** business is currently registered under the State of Oregon's medical marijuana facility registration system under ORS 475.300 through 475.346 **or the recreational marijuana retail sales facility business is currently licensed under the State of Oregon's recreational marijuana retail sales facility licensing system under OAR 845.025 and applicable Oregon Administrative Rules ;**

8. The A Medical Marijuana Facility or a recreational marijuana retail sales 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 or recreational marijuana at the site of the a Medical Marijuana Facility or a recreational marijuana retail sales facility is prohibited.

11. The A Medical Marijuana Facility or recreational marijuana retail sales 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 unsecured exterior refuse containers.

12. Drive-through services are prohibited.

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

No amendments are proposed to Sections 16.235.030 - .100.

INDUSTRIAL DISTRICT

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

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.**

No amendments are proposed to Section 16.250.010.

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) **and recreational marijuana retail sales facility** 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), 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 **or a recreational marijuana retail sales facility**;

6. The **A** Medical Marijuana Facility **and a recreational marijuana retail sales 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 **medical marijuana facility** business is currently registered under the State of Oregon's medical marijuana facility registration system under ORS 475.300 through 475.346 **or the recreational marijuana retail sales facility business is currently licensed under the State of Oregon's recreational marijuana retail sales facility licensing system under OAR 845.025 and applicable Oregon Administrative Rules ;**

8. The **A** Medical Marijuana Facility **or a recreational marijuana retail sales 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 **or recreational marijuana** at the site of the **a** Medical Marijuana Facility **or a recreational marijuana retail sales facility** is prohibited.

11. The **A** Medical Marijuana Facility **or recreational marijuana retail sales 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 **unsecured** exterior refuse containers.

12. Drive-through services are prohibited.

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

H. Recreational marijuana production (growing), processing, wholesaling and laboratory provided the following are met:

1. Excepting wholesaling and laboratories, 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 be contained within a building enclosed on all sides by permanent walls and doors. [OAR 845-025-1230(4)]

3. Shall not be located on the same property as a medical marijuana facility or a recreational marijuana retail sales facility.

No amendments are proposed to Sections 16.250.030 - .100.

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 January 11, 2016 and the City Council will hold a hearing on January 19 to receive comments from the public. This is consistent with the Sheridan Development Code's 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 and Oregon Administrative Rules arising from the November 2014 Ballot Measure 91. 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 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 recreational marijuana retailing, production, processing, wholesaling and laboratories in the R-3, C and I Zones subject to requirements consistent with State Statutes and Oregon Administrative Rules. 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: The proposed amendments allow recreational marijuana retailing, production, processing, wholesaling and laboratories in the R-3, C and I Zones subject to requirements consistent with State Statutes and Oregon Administrative Rules.

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 criteria for legislative Development Code text amendments.

STAFF RECOMMENDATION

Staff recommends the City Council accept this staff report and pass the ordinance approving the proposed amendments to the Sheridan Development Code for recreational marijuana facilities.

An example motion is:

"I move the City Council accept this staff report and pass the ordinance approving the proposed amendments to the Sheridan Development Code for recreational marijuana facilities.

