

**DRAFT**

**Date: May 26, 2016**

**Proposed Community Development Code Amendments**

**Re: Recreational Marijuana Facilities**

All proposed new language to be added to the Definitions Section: **§ 16.10.020**

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

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

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

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

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

**16.38 SPECIAL USES**

**16.38.030 Recreational Marijuana Facilities.**

**A. Characteristics:**

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

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

C. Standards for Recreational Marijuana Production, Processing, Testing Laboratories, and Wholesale Operating Facilities

1. All new construction of marijuana facilities shall comply with 16.90 Site Planning.
2. In the case of production facilities, views from the exterior of the building into the production area are prohibited. Views of interior lighting in the production area from the exterior of the building are also prohibited.
3. Only indoor recreational marijuana production is allowed. Exterior growing is prohibited for commercial distribution.
4. Public Access Prohibited. Access to any production, processing, testing laboratory and wholesale facility shall be limited to employees, personnel, and guests over the age of 21, authorized by the facility operator.
5. Security Measures Required
  - a. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.
  - b. Exterior lighting shall be provided and continuously maintained.
  - c. Any security bars installed on doors or windows visible from the public right-of way shall be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.
  - d. No outdoor storage is allowed at any recreational marijuana facilities.
6. Odor Mitigation Measures Required. Production and processing facilities shall install and maintain enhanced ventilation systems designed to prevent detection of marijuana odor from adjacent properties or the public right-of-way. Such systems shall include the following features:
  - a. Installation of activated carbon filters on all exhaust outlets to the building exterior;
  - b. Location of exhaust outlets a minimum of 10 feet from the property line and 10 feet above finished grade; and
  - c. Maintenance of negative air pressure within the facility; or
  - d. An alternative odor control system approved by the Building Official based on a report by a mechanical engineer licensed in the State of Oregon, demonstrating that the

alternative system will control odor equally or better than the required activated carbon filtration system.

7. Proximity Restrictions. A recreational marijuana production, processing, testing laboratory or wholesale sales facility shall not be located within 100 feet of any single-family residential or multi-family residential zone. For purposes of this paragraph, the distance specified is measured from the closest points between property lines of the affected properties.

8. No recreational marijuana facility may be located within the Old Town Overlay District.

D. Standards for Recreational Marijuana Retail Sales Facilities.

1. All new construction of retail marijuana facilities shall comply with 16.90 Site Planning.

2. Public Access Prohibited. Access to a retail sales facility shall be limited to employees, personnel, and customers over the age of 21.

3. Hours of Operation. Retail sales facilities shall operate only between the hours of 10:00 a.m. to 8:00 p.m. all days of the week. An individual facility may set hours within those specified, but may not be open outside those parameters.

4. Security Measures Required.

a. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.

b. Exterior lighting shall be provided and continuously maintained consistent with Section 16.154.

c. Any security bars installed on doors or windows visible from the public right-of way shall be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.

5. Mobile or Temporary Businesses Prohibited. A retail sales facility may not operate as a mobile or temporary business as defined in Section 16.10.020.

6. Drive-in or Drive-Through Facilities Prohibited. A retail sales facility shall not have a drive-in or drive-through facility, as defined in Section 16.10.020.

7. Proximity Restrictions. A retail facility shall not be located within the specified proximity of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between property lines of the affected properties.

a. Schools. Within 1,000 feet of a public or private elementary or secondary school attended primarily by children under 19 years of age.

- b. Other Retail Facilities. Within 1,000 feet of another retail recreational marijuana facility or any medical marijuana dispensary.
- c. Public Plazas and Active Use Parks. Within 1,000 feet of a public plaza or active use park. As used in this paragraph, an active use park includes a public park which includes features such as playground equipment, athletic courts or fields, active use water features, or skating or skateboard features.

**Proposed Sherwood Land Use Zoning By License Type**

	<b><u>Neighborhood Commercial</u></b>	<b><u>Office Commercial</u></b>	<b><u>Retail Commercial</u></b>	<b><u>General Commercial</u></b>	<b><u>Light Industrial</u></b>	<b><u>General Industrial</u></b>	<b><u>Employment Industrial</u></b>
<b><u>Recreational Marijuana Producer</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>P<sup>1</sup></u></b>	<b><u>P<sup>1</sup></u></b>	<b><u>N</u></b>
<b><u>Recreational Marijuana Processor</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>P<sup>1</sup></u></b>	<b><u>P<sup>1</sup></u></b>	<b><u>P<sup>1</sup></u></b>
<b><u>Recreational Marijuana Wholesale Operator</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>P<sup>1</sup></u></b>	<b><u>P<sup>1</sup></u></b>	<b><u>P<sup>1</sup></u></b>	<b><u>P<sup>1</sup></u></b>
<b><u>Recreational Marijuana Retail Sales Operator</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>P<sup>1</sup></u></b>	<b><u>P<sup>1</sup></u></b>	<b><u>P<sup>1</sup></u></b>	<b><u>P<sup>1</sup></u></b>
<b><u>Recreational Marijuana Laboratory and Testing Facility</u></b>	<b><u>N</u></b>	<b><u>P<sup>1</sup></u></b>	<b><u>P<sup>1</sup></u></b>	<b><u>P<sup>1</sup></u></b>	<b><u>P<sup>1</sup></u></b>	<b><u>P<sup>1</sup></u></b>	<b><u>P<sup>1</sup></u></b>

**N= Not Permitted**

**P= Permitted**

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<sup>1</sup> Subject to the Special Use Criteria, Recreational Marijuana Facilities § 16.38.030

**NOTE:** The footnote number will change depending on where it is inserted in the table within the Sherwood Zoning and Development Code.