

## Public Discussion on Medical Marijuana Dispensaries (MMDs)

**ZONING:** Determine whether the community wants to further regulate MMDs beyond the State zoning restrictions (Industrial, Commercial, or Mixed Use), not allowed in residential zones. If the city wants to limit zoning, go over Pros and Cons between Industrial and Commercial Zones-

Commercial Zone Positives	Commercial Zone Negatives
<ul style="list-style-type: none"> <li>* <b>Matches retail-type purpose of zoning designation-like a pharmacy</b></li> <li>* <b>Four distinct zones-may select one or combination –different maps</b></li> <li>* <b>May be safer for customers as more activity in commercial zone</b></li> <li>* <b>If more visible from the street, then more people could see what is going on in the business-i.e. Are kids hanging out, nearby, or trying to enter the business?</b></li> </ul>	<ul style="list-style-type: none"> <li>* <b>Closer proximity to residential areas</b></li> <li>* <b>More visible and accessible All Commercial zones allow Mixed Use which would be combination of residential and commercial uses long as secondary</b></li> <li>* <b>Other “Youth Friendly” services may be nearby within that zone</b></li> </ul>

Industrial Zone Positives	Industrial Zone Negatives
<ul style="list-style-type: none"> <li>* <b>Out of public view</b></li> <li>* <b>Away from residential areas with a few exceptions</b></li> <li>* <b>Less accessible to Kids-on east side of town</b></li> <li>* <b>Sherwood Police Department preferred zone</b></li> <li>* <b>Avoids mix use issue of residential use near commercial</b></li> </ul>	<ul style="list-style-type: none"> <li>* <b>Near some residential areas</b></li> <li>* <b>Industrial land is for job creation not commercial type use like a MMD</b></li> <li>* <b>Less active areas would be more remote location and may not be as safe for customers</b></li> <li>* <b>Larger lots not good utilization of large lots for ind. Purpose-size of store likely limited to 5,000 sq. ft.</b></li> <li>* <b>May be near grow operations/ manufacturing located in zone –in future</b></li> </ul>

### Discussion Questions

What are your thoughts about this zone?

- Do you have any positives or negatives to add?

### ZONE QUESTION: WE ARE GOING TO TALLY WHAT YOU THINK ABOUT THE ZONING QUESTION.

- \* **HOW MANY WANT TO LEAVE THE STATE RULES ON ZONING IN PLACE?**
- \*
- \* **HOW MANY WANT TO SEE IT IN THE COMMERCIAL ZONE ONLY?**
- \*
- \* **IS THERE ONE (OR MORE) COMMERCIAL ZONE YOU WOULD APPROVE?**
- \*
- \* **ANY ONE IN PARTICULAR?**
- \*
- \* **HOW MANY WANT TO SEE THE MMD IN THE INDUSTRIAL ZONES ONLY?**
- \*
  
- IS THERE ONE (OR THREE) INDUSTRIAL ZONE?**

## **OTHER BUFFER RESTRICTIONS**

State rules limit where MMDs can be located. MMDs need to be at least 1,000 ft. from a primary or secondary schools. They also require that a MMD be at least 1,000 from any other MMD.

These maps are some of the ideas for buffers that the Planning Commission had.

### **Discussion Questions**

- \* Residential zones: By state law, not allowed in residential zone, but would you like to see an additional buffer between a MMD and the residential zone?
- \* Parks, Plazas, Community Centers: Certain number of feet -500, 1000 or 2000 ft.
- \* Other Places Kids go?
- \* Add to the existing school buffer: 1000 to 2000 ft.
- \* Old Town, Cannery Square, YMCA?

### **BUFFER QUESTIONS:**

**Do you think STATE rules are sufficient or would you like to see additional buffers? YES or NO**

**Residential buffer?**

**Parks, Plazas, Community Centers Buffer?**

**Any other buffer?**

**Add to the School buffer? Other restricted or limited areas?**

### **Other restrictions on time, place and manner**

**We can put rules in place to regulate time, place and manner. Some of the regulations the Commission is considering is limitations for the hours, licensing process, security measures and the way the dispensary looks from the outside.**

### **Discussion Questions**

- \* Hours of Operation?
  - o By zone?
    - Commercial
    - Industrial
- \* Special licenses process
- \* Security Measures : (State requires security cameras)

Comments

---

---

---

---

---

---

---

**(We want to get all opinions here. Any restrictions will have to go through legal counsel to see if they are legitimate time, place and manner regulations. We may not have that answer tonight but want to hear your thoughts.)**

**Land Use Process Question**

**The Planning Commission is considering any application for a MMD would require a conditional use permit (Type III) process. An alternative would be a Type I or II staff level decision, what do you think is necessary?**

**Conditional Use Permit Type III:** Requires public notice to property owners within 1000 ft, public hearing with the Hearing Officer and currently a fee of \$4,611. Approvable as long as the application met the requirements of the zone. The Hearings Officer could add restrictions on a case by case basis.

**Alternative:** If someone applied for a MMD in the proper zone, could this be a staff level decision with special restrictions developed that are written with the regulations. There would be the same notice requirements but no public hearing. What are your thoughts about this?

**What do you think the Land Use Process should be?**

Do you think a public hearing is necessary?

**CONDITIONAL USE PERMIT?**

**STAFF LEVEL TYPE II PROCESS WITH SPECIAL OBJECTIVE RESTRICTIONS IN PLACE?**

## **Information Concerning Medical Marijuana Dispensaries and Recreational Marijuana**

- ***Medical Marijuana Dispensaries background and State minimums required for all MMDs:***
  - *Adopted by Oregon: 1998*
  - *Regulated by the Oregon Health Authority*
  - *Moratorium by City expires: May 1, 2015*
  - *State rules:*
    - *Commercial, industrial, and mixed use zones*
    - *1,000 ft. from schools*
    - *1,000 ft. from other MMD facilities or grow operations*
    - *No mobile facilities*
    - *No growing or inhaling at the MMD location*

### **ZONE QUESTION:**

- \* **LEAVE THE STATE RULES ON ZONING IN PLACE?**
- \*
- \* **CHANGE TO SEE THE MMD IN THE COMMERCIAL ZONE ONLY?**
- \*
- \* **CHANGE TO SEE THE MMD IN THE INDUSTRIAL ZONE ONLY?**

### **BUFFER QUESTIONS:**

- \* **Do you think STATE buffers are sufficient or would you like to see additional buffers?**
- \* **Where?**
- \* **What size?**

### **OTHER RESTRICTION ON TIME, PLACE, AND MANNER:**

- \* **Hours of Operation?**
- \* **Other ideas?**

---

### **What do you think the Land Use Process should be?**

- \* **Type III hearing or Staff decision? Both with 1,000 notice requirements.**

- **Recreational Marijuana-** is another important community discussion but the State has not determined what regulations are going to be in place for recreational marijuana.
  - Regulations and licenses for producing, manufacturing, wholesaling and retail selling will not be in place at the State level until Jan. 2016. The City will be asking for input on recreational marijuana after we learn how the State is developing rules.
  - Oregon Liquor Control Commission is regulatory authority and will be developing the state regulations for Recreational Marijuana.
  - OLCC Timeline :
    - Forming a Committee to develop regulations (March to August 2015)
    - Regulation approval Process (November 2015)
    - MUST Accept Applications on Jan. 2016
    - City staff has heard that the OLCC wants a Seed to Sale type of tracking system and will likely issue licenses first to growers-then follow last with retailers. OLCC Director believes that retail licenses won't be issued until Nov. 2016
    - State of Oregon online information updates:
      - See links at the bottom of the document (back of hand-out)

The City has time to develop local rules based on this timeline. Sherwood voters did not approve legal recreational marijuana use (53% NO to 47 % yes) which was the opposite of the rest of Washington County. There are OPT-out provisions and revenue consequences which allow Cities to ban retail marijuana sales –but not personal use – by a successful general election ballot vote – at the earliest Nov. 2016.

**Here are the links to the FAQ regarding both medical and recreational marijuana in the State of Oregon.**

<http://www.oregon.gov/olcc/marijuana/Pages/Frequently-Asked-Questions.aspx>

<https://public.health.oregon.gov/DiseasesConditions/ChronicDisease/MedicalMarijuanaProgram/Pages/top20.aspx>

<http://www.oregon.gov/oha/mmj/Pages/faq.aspx#m91>