



## Planning Commission

# Agenda

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### Study Session

July 27, 2015

Noon

**Lausmann Annex** — Room 151-157  
200 S. Ivy Street, Medford, Oregon

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Subject:

1. **DCA-15-052.** Portable Storage Containers.
  2. **DCA-15-104.** Marijuana-related businesses.
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**MEMORANDUM**

Subject **Portable storage containers**

File no. DCA-15-052

To Planning Commission

From John Adam, Senior Planner

Date July 23, 2015

*for 7-27-2015 study session*

**BACKGROUND**

Portable storage containers was part of the “Spring Cleaning” amendment package that the Commission reviewed and recommended last month. When the Council heard the item at its 7/2/2015 meeting they removed the section concerning portable storage containers and asked for it to be returned with provisions making it a “limited land-use decision,” meaning that it requires some judgment for approval or denial, and therefore requires notice to neighboring property owners.

**DRAFT REGULATIONS**

Attached to this memo is a draft set of regulations. The underlined blue words are additions to existing text, the ~~struck-through red words~~ are deletions from existing text.

Part 1: Creating an administrative review process

The Code currently contains language alluding to the existence of the Class-D process, but no land-use actions were ever tied to it and no Class-D review process was ever created. Using the template of other processes, staff offers the changes in the attached draft for Commission consideration.

Please be aware that there are a number of “housekeeping” changes in some of the sections that are unrelated to the issue at hand. Planning staff cannot resist fixing the plumbing as long as we are in crawlspace.

Part 2: Portable storage containers

This entire section appears as new text because the provisions expired on July 1 due to the sunset clause the Council inserted when they adopted the provisions last year. The thorny question for the Commission to consider in this section is on page 10 of the draft, subsection (6)(b). That will be the section where the judgment of the Planning Director

will be called upon to render a decision. There is a requirement in State law that land-use regulations contain clear and objective standards. The last part of this subsection contains arguably vague language, so staff would like to have direction or suggestions on that from the Commission.

Please note that this standard is not new; it was in the now-defunct version of the portable storage container regulations. The difference now is that, under the Class-D administrative process, the Planning Director will be required to make a decision based on testimony relative to this standard.

## [Part 1. Creating an administrative review process]

### 10.135 Planning Director Authority.

The Planning Director is hereby designated as the approving authority for [Class-D and Class-E plan authorizations](#) ~~final plats, final PUD plans, minor historic review~~ and for the development permit. The Planning Director shall also be responsible for the administration and enforcement of this chapter.

\* \* \*

### 10.146 Referral Agencies, Distribution.

This Chapter employs the use of referral agencies for the review of those plan authorizations indicated below, as shown on the Schedule which follows:

- A. \_\_\_ Major Comprehensive Plan Amendment
- B. \_\_\_ Land Development Code Amendment
- C. \_\_\_ Minor Comprehensive Plan Amendment
- D. \_\_\_ Annexation, except as provided in Section 10.199
- E. \_\_\_ Vacation
- F. \_\_\_ Zone Change, Major and Minor
- G. \_\_\_ Conditional Use Permit
- H. \_\_\_ Exception
- I. \_\_\_ Planned Unit Development
- J. \_\_\_ Land Division
- K. \_\_\_ Site Plan and Architectural Review
- L. \_\_\_ Transportation Facility Development
- M. \_\_\_ Historic Review
- N. [\\_\\_\\_ Administrative \(Class D\) plan authorization](#)

Numerical references in the Schedule refer to the following:

1. \_ When the proposal is within, abutting, or affecting the referral agency's jurisdiction.
2. \_ When the proposal is within, or abutting the Airport Approach or Airport Radar Overlay ~~\_\_\_\_\_~~ Districts.
3. \_ When the proposal includes new buildings or building additions that are within the referral ~~\_\_\_\_\_~~ agency's jurisdiction.
4. \_ When the proposal is within the Southeast Overlay District and in a Parks or Schools land use category on the Southeast Plan Map.
5. \_ When the proposal is within or abutting a Greenway General Land Use Plan Map designation.

Referral agencies may be asked to review certain proposals not indicated on the Schedule if, in the judgment of the Planning Director, the agency may have an interest in the proposal. Additional referral agencies may be notified at the discretion of the Planning Director.

SCHEDULE OF REFERRAL AGENCY DISTRIBUTION

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
<b>CITY DEPTS.</b>														
Building Safety	x	x	x	x	x	x	x	x	x	x	x	-	x	x
City Attorney	x	x	x	x	x	x	x	x	x	x	x	x	x	
City Manager	x	x	x	x	-	-	-	-	-	-	-	-	-	-
Engineering Division	x	x	x	x	x	x	3	-	x	x	x	x	x	-
Fire	x	x	x	x	x	x	3	-	x	x	x	-	x	x
Parks & Recreation	x	x	x	x	x	x	3	-	x	x	x	-	x	-
Parks Director	4	4	4	4	4	4	4	4	4	4	4	4	4	-
Planning	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Police	x	-	x	x	x	x	-	-	x	x	x	-	x	x
Public Works	x	x	x	x	x	x	3	-	x	x	x	-	x	x
<b>AGENCIES</b>														
<b>AGENCY</b>														
Water Commission	x	x	x	x	x	x	3	-	x	x	x	x	x	-
	A	B	C	D	E	F	G	H	I	J	K	L	M	
<b>OTHER AGENCIES</b>														
Army Corps of Engineers	-	-	-	-	-	-	5	5	5	5	5	5	-	-
LHPC*Landmarks & Historic Preservation Commission	1	1	1	-	1	1	1	1	1	1	1	1	-	-
Cable Television Co.	-	-	x	x	x	x	3	-	x	x	x	x	x	-
City of Central Point	1	1	1	1	1	1	1	1	1	1	1	1	-	-
City of Phoenix	1	1	1	1	1	1	1	1	1	1	1	1	-	-
DLCD*Dept. of Land Conservation & Development	x	x	x	-	-	-	-	-	-	-	-	-	-	-
DSL*—Dept. of State Lands	-	-	-	-	-	-	5	5	5	5	5	5	-	-
Garbage Company	-	-	-	x	x	-	-	-	-	-	-	-	-	-
Jackson Co. Health Dept	-	-	-	x	-	-	-	-	-	x	-	-	-	-
Jackson Co. Planning	x	x	x	-	-	-	-	1	1	-	1	-	-	-
MID*Medford Irrigation District	1	-	1	1	1	-	3	-	1	1	-	-	-	-
Natural Gas Company	-	-	x	x	x	x	3	-	x	x	x	x	x	-
ODFW*Oreg. Dept. of Fish & Wildlife	-	-	-	-	-	-	5	5	5	5	5	5	-	-
ODOT*Oreg. Dept. of Transp.	x	-	1	1	-	1	3	-	1	1	1	1	-	-
Power Company	-	-	x	x	x	x	3	-	x	x	x	x	x	-
RRVID*Rogue River Valley Irrigation District	1	-	1	1	1	-	3	-	1	1	-	-	-	-
	±		±											

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
<del>RV– Medford Airport* Airport*</del>	1	-	1	-	-	1	2	2	2	2	2	-	-	-
<del>RVS* Rogue Valley Sewer Svcs.</del>	1	-	1	1	1	1	3	-	1	1	1	-	1	-
<del>RVTD* Rogue Valley Transp. District</del>	x	-	1	1	1	x	3	-	1	1	x	x	x	-
<del>Medford 549C Schools Superintendent</del>	1	-	1	1	-	1	3	-	1	1	-	-	-	-
<del>Phoenix–Talent Schools Superintendent</del>	1	-	1	1	-	1	3	-	1	1	-	-	-	-
<del>Telephone Company Companyort*</del>	4	4	4	4	4	4	4	4	4	4	4	4	-	-
<del>U. S. Post Office</del>	-	-	-	-	-	-	-	-	x	x	x	x	x	-
<del>Urban Renewal Agency</del>	-	-	1	-	1	1	1	1	1	1	1	1	1	-
<del>Water Districts</del>	1	-	1	1	-	1	-	-	1	1	-	-	-	-

**\*Acronyms:**

- ~~DLCD — Department of Land Conservation and Development (Oregon)~~
- ~~DSL — Department of State Lands (Oregon)~~
- ~~LHPC — Landmarks and Historic Preservation Commission~~
- ~~MID — Medford Irrigation District~~
- ~~ODFW — Oregon Department of Fish and Wildlife~~
- ~~ODOT — Oregon Department of Transportation~~
- ~~RRVID — Rogue River Valley Irrigation District~~
- ~~RV — Medford Airport — Rogue Valley International Medford Airport~~
- ~~RVS — Rogue Valley Sewer Services~~
- ~~RVTD — Rogue Valley Transportation District~~

10.155 Due Process.

A. In addition to the application review requirements of Section 10.175, Application Review Procedure, there are eight ~~(8)~~ basic due process elements applicable to Class\_ “A”, Class\_ “B”, and Class\_ “C” procedural classifications. The due process requirements are:

- 1. Notification
- 2. Disclosure
- 3. Conflict of Interest
- 4. Hearing
- ~~(1) Notification~~
- 5. Cross-Examination
- 6. Action and Decision Time
- 7. Findings
- 8. Record

~~(2) Disclosure~~

~~(3) Conflict of Interest~~

~~(4) Hearing~~

~~(5) Cross Examination~~

~~(6) Action and Decision Time~~

~~(7) Findings~~

~~(8) Record~~

B. Due process for Class-D plan authorizations includes requirements 1, 2, 6, 7, and 8 of the preceding list, in addition to the application review requirements of Section 10.175, Application Review Procedure.

10.156 Notification, General.

The notice provided shall:

- (1) Explain the nature of the application and the proposed use or uses which could be authorized;
- (2) List the applicable criteria from the Code and the Comprehensive Plan that apply to the application at issue;
- (3) Set forth the street address or other easily understood geographical reference to the subject property;
- (4) State the date, time and location of the hearing;
- (5) State that failure to raise an issue in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue;
- (6) Include the name of a local government representative to contact and the telephone number where additional information may be obtained;
- (7) State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
- (8) State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and

(9) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

10.157 Notification, Publication and On-Site Posting.

(1) Publication. Unless otherwise indicated notification of all proposed actions shall be published in a newspaper of general circulation prior to the scheduled meeting date before the approving authority. The schedule of publication for each type plan authorization shall be as follows:

Plan Authorization Classification	<u>Specific Type</u>	Publication Schedule
"A"	<del>{All}</del>	<del>Ten (10)</del> days prior to the scheduled meeting date before the advisory agency. <del>Ten (10)</del> days prior to the scheduled public hearing date before the approving authority.
"B"	<del>{Annexation}</del>	Once each week for two <del>(2)</del> successive weeks prior to the day of the hearing before the approving authority. Notice shall also be posted in four <del>(4)</del> public places in the city for a like period.
"B"	<del>—————{Vacations}—————</del>	Once a week for two <del>(2)</del> consecutive weeks prior to the date of the hearing before the approving authority. Within five <del>(5)</del> days after publication of the first notice, the City Recorder shall cause to be posted at or near each end of the proposed vacation a copy of the notice which shall be headed "Notice of Street Vacation", "Notice of Plat Vacation" or "Notice of Plat and Street Vacation" as the case may be; the notice shall be posted in at least two <del>(2)</del> conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be not less than 14 days before the hearing.

Plan Authorization Classification	<u>Specific Type</u>	Publication Schedule
"B"	{Minor Comp. Plan Amendments_[quasi-judicial], <del>transportation</del> <u>Transportation</u> facility development}	Shall be published in a newspaper of _____general circulation no later than <del>ten</del> _____ <del>(10)</del> days prior to the scheduled meeting date before the approving authority.
"C"	{Zone changes, <del>preliminary</del> <u>Preliminary</u> PUD plans, <del>conditional</del> <u>Conditional</u> use—permits, <del>exceptions</del> <u>Exceptions</u> ,} <u>Land divisions</u>	Shall be published in a newspaper of general circulation no later than <del>ten</del> <del>(10)</del> days prior to the scheduled meeting date before the approving authority.
"C"	{Site plan and architectural review, <del>land divisions and historic</del> <u>Historic</u> review}	Shall be posted in a public place no _____later than five <del>(5)</del> days prior to the _____scheduled meeting date before the approving _____authority.
<u>D</u>		<u>None</u>

-(2) On-Site Posting. The applicant shall post public notice signs on the project site for any proposed Class "B", ~~or "C"~~, or "D" land use action (except vacations and annexations where the City shall post the public notice signs) according to the following:

(a) Type and contents of sign. — Notice signs ~~(18 inch x 24 inch)~~, available from the City of Medford Planning Department at the time of application shall be used to post the subject property. It shall be the applicant’s responsibility to obtain the appropriate number of signs prior to the beginning of the required posting schedule. The applicant shall also be responsible for writing legibly on the sign in indelible ink, the description of the proposed land use action, the date of the public hearing, and the City of Medford file number for the proposed land use action.

(b) Location and number of signs. — A posted notice sign must be placed on each existing street frontage of the project site. If a frontage is over 600 feet long, a notice sign is required for each 600 feet, or fraction thereof. Notice signs must be posted

within ~~ten (10)~~ feet of a street lot line and must be visible to pedestrians and motorists. Notice signs may not be posted in a public right-of-way, unless the land use action specifically pertains to a public right-of-way. If posting must occur in the right-of-way, care should be taken to comply with Section 10.735, Clear View of Intersecting Streets.

(c) Sign posting schedule. —It shall be the applicant’s responsibility to post the required sign(s) 21 days prior to each public hearing date, assure that the signs remain posted until the final decision has been made by the approving authority, and remove the posted signs within ten (10) days following the final decision.

(d) Signed statement required with application. — Each application for a land use action which requires posting of the subject property shall be accompanied by a statement to be signed by the applicant. The statement shall indicate that the applicant is aware of the posting requirements, agrees to be responsible for posting the property as required by this section, and agrees to the consequences of failing to post the property as required.

——(e) Consequences of failing to post the property as required. — Failure to post the signs as required by this section is a violation of the Medford Land Development Code.

#### 10.158 Notification, Affected Property Owners.

Notification shall be mailed to the applicant and all affected property owners no later than ~~twenty (20)~~ days prior to the scheduled meeting date before the approving authority. All addresses for mailed notices shall be obtained from the latest property tax rolls of the Jackson County Assessor's office. Affected property owners for each type of plan authorization shall be determined as follows:

Plan Authorization Classification	<u>Specific Types</u>	Affected Property Owners
"A"		Generally not applicable to a legislative action unless it meets ORS 227.186 criteria ( <i>i.e.</i> , the change effectively rezones property.)
"B" ( <del>"Vacations"</del> )	<u>Vacations</u>	All property owners within the area of a plat vacation or all abutting property and all attached real property within 200 feet laterally and 400 feet beyond the terminus of each right-of-way to be vacated.

Plan Authorization Classification	<u>Specific Types</u>	Affected Property Owners
<p>"B" <del>(Annexations, Minor Comp. Plan Amendments (quasi-judicial), Transportation Facility Development)</del></p>	<p><u>Annexations, Minor Comp. Plan Amendments (quasi-judicial), Transportation Facility Development</u></p>	<p>All owners of property within the project <u>boundaries</u> plus all property owners within 200 feet of the project boundaries.</p>
<p>"C" <del>(Zone Changes, Conditional Use Permits, Exceptions, Site Plan and Architectural Review, Land Divisions and Historic Review)</del></p>	<p><u>Zone Changes, Conditional Use Permits, Exceptions, Site Plan and Architectural Review, Land Divisions, Historic Review</u></p>	<p>All owners of property within the project boundaries plus all property owners within 200 feet of the project boundaries.</p>
<p>"C" <del>(Preliminary PUD Plans)</del></p>	<p><u>Preliminary PUD Plans</u></p>	<p>All owners of property within the project boundaries plus all property owners within 200 feet of the project boundaries. The owners of no less than <del>75</del><u>seventy-five</u> tax lots shall be notified. If <del>75</del><u>seventy-five</u> tax lots are not located within 200 feet of the exterior boundary of the PUD, the notification area shall be extended by successive <del>fifty 50</del><u>50</u>-foot increments, until <del>a</del><u>the</u> minimum <del>of 75 tax</del><u>number of</u> lots are included in the notification area. Owners of all tax lots within the extended notification area shall receive notice; <del>therefore, noticing of more than 75 tax lots may be required.</del></p>
<p><u>D</u></p>		<p><u>All owners of property within the project boundaries plus all property owners within 200 feet of the project boundaries.</u></p>

\* \* \*

10.163 Action and Decision Time.

Action on all plan authorizations shall be taken within the time herein prescribed. For all ~~Class "A", Class "B" and Class "C",~~ authorizations the Planning Department shall, within five ~~(5)~~ working days of the decision date, provide written notification to the applicant and all persons who testify orally or in writing on the plan authorization. The notice shall indicate the date that the decision will take effect, the approval's expiration date, and the final date for appeal.

\* \* \*

10.166 Class "C", Action and Decision Time.

The approving authority shall take final action within ~~one hundred twenty (120)~~ days after the application is deemed complete and shall at that time approve, approve with conditions, or deny the request. The decision of the approving authority (Planning Commission, Site Plan and Architectural Commission, or Landmarks and Historic Preservation Commission) shall be based upon the application, the evidence, comments from the referral agencies, and compliance with this chapter and the Comprehensive Plan.

An applicant may make a written request to extend the 120-day period for a specified period of time. In no case may the total extensions exceed 245 days.

~~All applications that have been accepted, or deemed complete, by the City prior to the effective date of this provision, shall be subject to this provision as of the effective date. The applicant shall be entitled to request extensions to the 120 day period; such extensions may not exceed a total of 245 days from the effective date of this section.~~

10.167 Class "D", Action and Decision Time ~~[Repealed, Sec. 51, Ord. No. 7659, June 2, 1994.]~~

The approving authority shall take final action within 120 days after the application is deemed complete and shall at that time approve, approve with conditions, or deny the request. The decision of the approving authority shall be based upon the application, the evidence, written comments, and compliance with this chapter and the Comprehensive Plan.

An applicant may make a written request to extend the 120-day period for a specified period of time. In no case may the total extensions exceed 245 days.

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## **[Part 2. Portable storage containers]**

10.840 Temporary Uses and Structures

\* \* \*

D. Types of Temporary Uses and/or Temporary Structures

\* \* \*

### (6) Portable Storage Containers

#### (a) Applicability

1. A temporary Portable Storage Container permit is a Class-D plan authorization (10.102 et seq.) and is required for placement of any portable storage container, except for the following:
  - i. Truck trailers parked on a street for 24 hours or less;
  - ii. Portable storage containers that will remain on a property for no more than five days;
  - iii. Portable storage containers that have been approved as a permanent portion of an approved site plan; and
  - iv. Portable storage containers used for primary use businesses in the following Standard Industrial Classification (SIC) groupings: 15, 16, 17, 40 and 42 (see Section 10.337).
2. When a temporary Portable Storage Container permit is required, placement of portable storage containers, as defined herein and as a temporary use, is permitted only on private property in C-R, C-H, I-L, I-G and I-H zoning districts.
3. Portable storage containers shall not be placed within the public right-of-way, except as permitted in Chapter 6 of this Code.
4. Temporary Portable Storage Container permits will only be issued for the use of temporary portable storage containers as a periodic, intermittent, or recurring use accessory to a permitted primary use.

#### (b) Location Standards

1. In no case shall storage containers be located in required yards, landscape areas, open space, retention basins, drive aisles, required

parking spaces and loading areas, fire lanes, or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and development.

2. Portable storage containers shall be placed outside of required setback areas and shall be placed a minimum of 10 feet from all property lines.
3. The placement of portable storage containers shall comply with Section 9.520, Conditions for Temporary Structures, with the exception that only one 30-day extension shall be available.
4. Portable storage containers shall be placed on a surface consistent with Section 9.550, Parking Lot Specifications.
5. Whenever possible portable storage containers should be screened from view from public rights-of-way and neighboring properties by placing the containers out of view behind existing structures, landscaping, walls, or fencing.
6. Portable storage containers must be in good condition with no visible damage, rust, or graffiti.
7. Applicants are encouraged to acquire portable storage containers of similar color to existing structures on the property and of similar color to each other.

(c) Time and Number Limitations

1. A maximum of one temporary Portable Storage Container permit may be issued per individual primary use during any 12-month period. A temporary Portable Storage permit shall allow for the placement of portable storage containers for a period of no more than 90 days. One 30-day extension may be granted subject to Section 9.520.
2. A maximum of 20 storage containers shall be allowed for an individual primary use.

(d) Permit Process

1. To obtain a temporary Portable Storage Container permit, an application must be filed with the Planning Department. The application shall include the appropriate filing fee and the information required on the form.
2. Permit applications are subject to the routing and notification procedures for Class-D plan authorizations. The approving authority shall base its

decision on the application's compliance with the standards under (6)(b) and (6)(c), above.

3. In the event of a denial, the applicant may resubmit one time without having to pay another application fee. However, the decision time prescribed in 10.167 will reset to the starting point.



**MEMORANDUM**

Subject **Marijuana-related businesses**

File no. DCA-15-104

To Planning Commission

From John Adam, Senior Planner

Date July 23, 2015

*for 7-27-2015 study session*

**BACKGROUND**

Council and Planning Commission held a joint study session on July 9 to discuss regulation of marijuana-related businesses, which will soon be legal in the State of Oregon. Staff received some direction related to regulating time, place, and manner.

**DRAFT REGULATIONS**

Attached to this memo is a draft set of regulations. It is a framework for the Planning Commission and the Council to flesh out further. The draft regulations are broken into two parts.

Commissioners will also see in this draft some general housekeeping that is not related to marijuana businesses.

Part 1: Use Categorization

Staff began by relating the types of marijuana businesses to the existing Standard Industrial Classification (SIC) categories. The types are Producers (growers), Processors, Wholesalers, Laboratories, Dispensaries, and Retailers. These businesses all fit neatly into the SIC tables, but staff decided to isolate the marijuana-related businesses under their own category.

Part 2: Use Regulation

As noted above, this is a framework, but staff has already added in some time, place, and manner restrictions that we gleaned from the joint session.

The summary of HB 3400 that Legal Department provided for the joint study session is also attached to this memo.

## [Part 1. Use Categorization]

10.337 Uses Permitted in Commercial and Industrial Zoning Districts.

The uses allowed within each commercial and industrial zoning district are based on the Standard Industrial Classification (SIC) Manual, 1987 Edition. This chapter classifies uses by Industry Group Number (3 digits) of the SIC Manual. When necessary to resolve any ambiguity in defining a use classification as per this chapter the Industry Number (4 digit) classification contained in the SIC Manual shall be used as the acceptable reference source. There are ~~two~~ three [four?] classifications in the following list, however, which do not appear in the SIC Manual; ~~first is a separate classification which has been added at the beginning of the list entitled "Business Offices," (001); "Parks, Recreation, and Leisure Facilities" (002); "Marijuana-related businesses" (003); and second is the classification~~ "Dwelling Units" (881). For convenience, "Dwelling Units" has been placed in the Services group, but this is not intended to suggest any relationship to the SIC classification scheme. In this context the use classification "Dwelling Units"; includes housing types that are allowed in the MFR-30 zoning district. All uses have been identified by zoning district as either permitted, permitted subject to special use standards, conditional, or not permitted.

~~"P"~~ = Permitted Uses.

Ps = Special Use (see Special Use Regulations, sections 10.811–839).

~~"C"~~ = Conditional uses ~~—~~permitted subject to the approval of a Conditional Use Permit.

~~"X"~~ = Uses specifically prohibited.

~~"\*" = Permitted when within an EA overlay district.~~

~~"nec"~~ = not elsewhere classified

~~"s" = Special Use~~

~~\*(See Article V, 10.810, Special Use Regulations.)~~

\* \* \*

<u>SIC</u>	<u>USE</u>	<u>ZONING DISTRICT</u>							
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O. USES NOT CLASSIFIED. This major group includes uses not covered in the Standard Industrial Classification (SIC) Manual, 1987 Edition.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
001	Business Offices, nec; no material or equipment storage	P	P	P	P	P	P	X	X
002	Public Parks, Recreation and Leisure Facilities and services	C	C	C	C	C	C	X	X
<u>003</u>	<u>Marijuana-related businesses</u>								

			C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
	<u>Type</u> (as termed in State law)	<u>SIC</u> <u>equivalent</u>								
<u>0031</u>	<u>Producers</u>	<u>013</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>Ps</u>	<u>Ps</u>	<u>Ps</u>
<u>0032</u>	<u>Processors</u>	<u>205–207</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>????</u>	<u>Ps</u>	<u>Ps</u>	<u>Ps</u>
<u>0033</u>	<u>Wholesalers</u>	<u>512, 516,</u> <u>519</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>Ps</u>	<u>Ps</u>	<u>Ps</u>	<u>Ps</u>
<u>0034</u>	<u>Laboratories</u>	<u>873</u>	<u>Ps</u>	<u>X</u>	<u>Ps</u>	<u>Ps</u>	<u>Ps</u>	<u>Ps</u>	<u>X</u>	<u>X</u>
<u>0035</u>	<u>Dispensaries</u>	<u>849, 891</u>	<u>X</u>	<u>X</u>	<u>Ps</u>	<u>Ps</u>	<u>Ps</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>0036</u>	<u>Retailers</u>	<u>549, 591</u>	<u>X</u>	<u>X</u>	<u>Ps</u>	<u>Ps</u>	<u>Ps</u>	<u>X</u>	<u>X</u>	<u>X</u>

[See section 10.839 for regulations on marijuana-related businesses.](#)

A. AGRICULTURE DIVISION

01 AGRICULTURAL PRODUCTION-CROPS. This major group includes farms, orchards, greenhouses, nurseries, etc., primarily engaged in the production of crops or plants, vines, bulbs, flower seeds, and vegetable seeds, trees (excluding forest operations), sod farms, mushroom cellars, cranberry bogs.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
011	Cash Grains	X*	X*	X*	X*	X*	X*	X*	X*
013	Field Crops, Except Cash Grains	X*	X*	X*	X*	X*	P	P	P
016	Vegetables and Melons	X*	X*	X*	X*	X*	P	P	P
017	Fruits and Tree Nuts	X*	X*	X*	X*	X*	P	P	P
018	Horticultural Specialties	X*	X*	X*	X*	X*	P	P	P
019	General Farms, Primarily Crop	X*	X*	X*	X*	X*	P	P	P

[The asterisk \(\\*\) means the use is permitted within an Exclusive Agricultural \(E-A\) overlay zoning district \(10.360–362\).](#)

\* \* \*

## **[Part 2: Use Regulations]**

SPECIAL USE REGULATIONS. (10.811–10.~~838~~839)

\* \* \*

### 10.839 Marijuana-related businesses

#### A. General Provisions

The following provisions apply to any marijuana-related business.

(1) No marijuana-related business shall permit trespass or glare from security or other lighting beyond its property line. In addition, lighting must be “full cutoff” according to Illuminating Engineering Society of North America (IES) definitions and standards.

(2) Fence provisions in Section 9.560 apply.

#### B. Producers

(1) All growth will be conducted inside enclosed structures.

(2) All odors will be contained or filtered in order not to disturb neighboring uses.

#### C. Processors

(1) Processors using high-heat extraction methods are allowed only in the I-G and I-H zoning districts.

#### D. Wholesalers

(1) All odors will be contained or filtered in order not to disturb neighboring uses.

#### E. Laboratories

(1) [staff has no suggestions]

#### F. Dispensaries

(1) Products may not be displayed in a manner that is externally visible to the public.

#### G. Retailers

(1) Products may not be displayed in a manner that is externally visible to the public.

**Medford City Council/Planning Commission Study Session**  
**(Reasonable Time Place & Manner Regulations- Retail/Medical Licensees)**

Summary of HB 3400

**I. Retail Marijuana (OLCC) - Operative January 1, 2016**

A. (Powers and Duties of Commission)

SECTION 2. Section 7, chapter 1, Oregon Laws 2015, is amended to read:

Section 7(f)- OLCC may adopt rules regulating and prohibiting marijuana producers, marijuana processors, marijuana wholesalers and marijuana retailers from **advertising marijuana** items in a manner:

- That is appealing to minors;
- That promotes excessive use;
- That promotes illegal activity; or
- That otherwise presents a significant risk to public health and safety.

B. (Regulation of Licensees)

SECTION 5. Section 25, chapter 1, Oregon Laws 2015, is amended to read:

Sec. 25. (1) A license granted under sections 3 to 70, chapter 1, Oregon Laws 2015:

- Is transferable from the premises for which the license was originally issued to another premises subject to the provisions of sections 3 to 70, chapter 1, Oregon Laws 2015, applicable rules of the Oregon Liquor Control Commission **and applicable local ordinances.**

C. (License Holders)

SECTION 12- **Section 19 (Marijuana Producers)**, chapter 1, Oregon Laws 2015, is amended to read:

- To be licensed by OLCC, must be resident of Oregon for at least 2 years
- Marijuana produced must be tested per state law
- OLCC/RAC will develop public health/safety standards
- OLCC can limit size of grow canopies for production of mature marijuana plants, but not immature ones (an “immature” plant is one that is not flowering).

**SECTION 14. Section 20 (Marijuana Processors- licensees who convert marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extracts), chapter 1, Oregon Laws 2015, is amended to read:**

- To be licensed by OLCC, must be resident of Oregon for at least 2 years
- Marijuana processed must be tested per state law
- OLCC/RAC will develop public health safety standards- If the marijuana processor processes **marijuana extracts**, may not be located in an area zoned **exclusively** for residential use
- “Cannabinoid product” means a cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair that contains cannabinoids or dried marijuana leaves or flowers
- “Cannabinoid edible” means food or potable liquid into which a cannabinoid concentrate, cannabinoid extract or dried marijuana leaves or flowers have been incorporated
- “Cannabinoid extract vs. concentrates:” both obtain a substance by separating cannabinoids from marijuana- but the extraction process uses a hydrocarbon/high heat method, while concentrate process does not.

**SECTION 15. Section 21 (Marijuana Wholesaler- licensees who purchase marijuana items in this state for resale to a person other than a consumer), chapter 1, Oregon Laws 2015, is amended to read:**

- To be licensed by OLCC, must be resident of Oregon for at least 2 years
- May not be located in an area that is zoned **exclusively** for residential use
- Require marijuana items received, stored or delivered by a marijuana wholesaler to be tested
- Require a marijuana wholesaler to meet any public health and safety standards and industry best practices established by the commission by rule.

**SECTION 16. Section 22 (marijuana retailer- a licensee authorized sell marijuana items to a consumer in this state), chapter 1, Oregon Laws 2015, is amended to read:**

- To be licensed by OLCC, must be resident of Oregon for at least 2 years
- May not be located in an area that is zoned **exclusively** for residential use
- May not be located within 1,000 feet of schools
- Require marijuana items sold by a marijuana retailer to be tested
- Require a marijuana retailer to meet any public health and safety standards and industry best practices established by the commission by rule.

D. (Segregated Premises)

**SECTION 18. As is necessary to protect the public health and safety, the Oregon Liquor Control Commission may require a premises licensed under section 19, 20, 21 or 22 (the 4 types of retail licensees- producer, processor, wholesaler, retailer) to be segregated into separate areas:**

- For conducting the activities permitted under each license if the licensee holds more than one license issued under section 19, 20, 21 or 22
- For conducting activities related to processing marijuana into different types of cannabinoid products, cannabinoid concentrates or cannabinoid extracts, if the licensee is a marijuana processor that processes marijuana into any combination of different types of products, concentrates and extracts.

E. (Land Use- Local Control)

SECTION 33. Section 59, chapter 1, Oregon Laws 2015, is amended to read:

- A city may adopt ordinances that impose reasonable regulations on the operation of businesses located at premises for which a license has been issued under section 19, 20, 21 or 22, if the premises are located in the area subject to the jurisdiction of the city, **except that the governing body of a city may not adopt an ordinance that prohibits marijuana retailers from being located within a distance that is greater than 1,000 feet of another marijuana retailer (Legislature attempting to bar cities from zoning out marijuana retailers).**
- Regulations adopted must be consistent with city and county comprehensive plans and zoning ordinances and applicable provisions of public health and safety laws.
- Prior to the issuance of a license under section 19, 20, 21 or 22, the OLCC shall request a land use compatibility statement from the city that authorizes the land use. The land use compatibility statement must demonstrate that the requested license is for a land use that is allowable as a permitted or conditional use within the given zoning designation where the land is located.
- The commission may not issue a license if the land use compatibility statement shows that the proposed land use is prohibited in the applicable zone.
- A city that receives a request for a land use compatibility statement under must act on that request within 21 days of:
  - 1) Receipt of the request, if the land use is allowable as an outright permitted use; or
  - 2) Final local permit approval, if the land use is allowable as a **conditional use.**
- A city or county action concerning a land use compatibility statement is not a land use decision (No appeal to LUBA).

## II. OREGON MEDICAL MARIJUANA ACT- OPERATIVE MARCH 1, 2016

### A. (License Holders)

#### i) Medical Marijuana Producers- Section 81.

- historically, not subject to our business license requirements (backyard grows)

#### ii) Medical Marijuana Processors- Section 85.

- To be licensed by the OHA, all individuals responsible for the business must be resident of Oregon for at least 2 years
- May not be located in an area that is **zoned for residential use if the marijuana processing site processes cannabinoid extracts** (note the difference between this language and the zoning restriction applicable to retail marijuana processors “may not be located in an area zoned **exclusively** for residential use”)
- Require that medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts transferred by a marijuana processing site be tested to ensure the public health and safety
- A marijuana processing site must meet any public health and safety standards established by the Oregon Health Authority by rule related to Cannabinoid edibles, Cannabinoid concentrates, and Cannabinoid extracts.

#### iii) Medical Marijuana Dispensaries- Section 86

- To be licensed by the OHA, all individuals responsible for the business must be resident of Oregon for at least 2 years
- May not be located in an area that is zoned for residential use (and not zoned **exclusively** for residential use- unlike marijuana retailers;
- May not be located at the same address as a marijuana grow site
- May not be located within 1,000 feet of schools
- Must not be located within 1,000 feet of another medical marijuana dispensary (no such limitation for marijuana retailers)
- OHA will require that usable marijuana, medical cannabinoid products, cannabinoid concentrates, cannabinoid extracts and immature marijuana plants transferred by a medical marijuana dispensary be tested to ensure the public health and safety

### B. (Local Control)

- No LUCS requirement
- the governing body of a city may adopt ordinances that impose reasonable regulations on the operation of marijuana grow sites of persons designated to produce marijuana by registry identification cardholders, marijuana processing sites and medical marijuana dispensaries

### **III. Lab Testing/Packaging/Labeling/Dosing (Section 91 *et seq.*)**

- The state appears to have these issues covered
- Marijuana items (both retail and medical) must be tested by a lab licensed by the OLCC and accredited by the OHA.
- Laboratories are another type of marijuana business that may need to be addressed by the TPM's

### **IV. Local Time Place and Manner Regulations (TPM's)**

- City will have broad power to impose TPM's- most importantly may place licenses into appropriate zones
- The uses allowed in a particular zoning district within the City are based upon the SIC manual
- The SIC manual uses a two, three and four-digit identification system to provide increasingly detailed descriptions of uses
- Planning staff can assign a SIC classification number for each state-licensed business or find one that most closely matches the licensed business.
- City can regulate advertising
- Will City allow a premise to contain more than one type of state-licensed business?
- Will City require marijuana retailers to be a certain distance away from other marijuana retailers? (State law does not mandate this). From medical marijuana dispensaries? Schools?
- Will City elect to place TPM's on Laboratories?
- Design Standards? SPAC? CUP's? Hours of Operation?