



Planning Commission

Agenda

Study Session

March 27, 2017

Noon

Lausmann Annex, Room 151-157
200 South Ivy Street, Medford, Oregon

- 10. Introductions
- 20. Discussion items
 - 20.1 DCA-17-014 Code Amendment Draft Review - Marijuana Production in Heavy Commercial
- 30. Adjournment



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

MEMORANDUM

Subject Marijuana Production Code Amendment
File no. DCA-17-014
To Planning Commission *for March 27, 2017 study session*
From Carla Angeli Paladino, Principal Planner *CA*
Date March 22, 2017

AMENDMENT

A citizen request for a code amendment to review allowing marijuana production (growing) in the Heavy Commercial zoning district was initiated by the Planning Commission on January 26, 2017.

The hearing with the Planning Commission is scheduled for April 13, 2017.

PROPOSAL

The draft language considers allowing production of marijuana in the Heavy Commercial zoning district as a permitted use with special regulations. The special use regulations for marijuana-related businesses are found in Section 10.839. No changes are being proposed to those regulations.

In addition, the permitted use table is proposed to be modified to allow production of field crops and vegetables and melons if conducted inside an enclosed structure. Also, the uses identified as sugar and confectionary products and fats and oils would be allowed within the Heavy Commercial zoning district. These categories are being amended so that marijuana uses and similar non-marijuana uses are permitted in the same zoning districts.

A copy of the draft is below for your review.

10.337

SIC USE ZONING DISTRICT

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	
003	Marijuana-related businesses									
	Type	<i>SIC equivalent</i>								
0031	Production	<i>013, <u>016</u></i>	x	x	x	x	<i>*Ps</i>	Ps	Ps	Ps
0032	Processing	<i>205-207</i>	x	x	x	x	Ps	Ps	Ps	Ps
0033	Wholesale	<i>512, 516, 519</i>	x	x	x	x	Ps	Ps	Ps	Ps
0034	Laboratory	<i>873</i>	Ps	x	Ps	Ps	Ps	Ps	x	x
0035	Dispensary	<i>549, 591</i>	x	x	Ps	Ps	Ps	x	x	x
0036	Retail	<i>549, 591</i>	x	x	Ps	Ps	Ps	x	x	x

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* <u>1</u>	P	P	P
016	Vegetables and Melons	X*	X*	X*	X*	X* <u>1</u>	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

"1" = Production allowed when conducted inside an enclosed structure

D. MANUFACTURING DIVISION

20 FOOD AND KINDRED PRODUCTS. This major group includes establishments manufacturing or processing foods and beverages for human consumption and certain related products such as meat and fish products, manufactured ice, chewing gum, and prepared foods except vegetable and animal fats and oils.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
201	Meat Products	X	X	X	X	X	P	P	P
202	Dairy Products	X	X	X	X	P	P	P	P
203	Preserved Fruits and Vegetables	X	X	X	X	X	P	P	P
204	Grain Mill Products	X	X	X	X	X	P	P	P
205	Bakery Products	X	X	X	X	P	P	P	P
206	Sugar and Confectionary Products	X	X	X	X	X P	P	P	P
207	Fats and Oils	X	X	X	X	X P	P	P	P

Section 10.839 (for Reference Only)

10.839 Marijuana-Related Businesses.

A. General Provisions. The following provisions apply to any marijuana-related business.

- (1) All marijuana-related businesses will conduct operations inside secure, enclosed structures. No production, processing, storage, or sales may be conducted out of doors.
- (2) No marijuana-related business shall cause or allow an offensive odor of marijuana items to emanate from a structure or property.
- (3) 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.
- (4) The hazardous fence and wall provisions in Section 9.560 apply.
- (5) Marijuana items may not be displayed in a manner that is externally visible to the public.
- (6) All marijuana-related businesses shall be licensed by the state, and comply with all applicable state laws and regulations.

B. Processing

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

C. Conflict of Laws

- (1) When this section imposes a greater restriction upon a marijuana-related business than that imposed by a state law or regulation, the greater restriction shall control.

D. Ban on Sale of Limited Marijuana Retail Product

- (1) Pursuant to section 3 of Senate Bill 460 (2015), the City of Medford hereby prohibits the sale of limited marijuana retail product in any area subject to the jurisdiction of the City of Medford as described in section 2 of Senate Bill 460 (2015).

(2) The ban imposed by this section will be effective until December 31, 2016, or until the Legislature ends sales of limited marijuana retail product by medical marijuana dispensaries, whichever comes later.

(3) If a medical marijuana dispensary violates the ban on the sale of limited retail marijuana product, the City of Medford may enforce the ban as follows: i) impose a violation penalty upon the medical marijuana dispensary pursuant to the Medford Code; ii) initiate a business license revocation proceeding against the medical marijuana dispensary pursuant to Chapter 8 of the Medford Code; iii) seek declaratory, provisional and permanent injunctive relief in the Jackson County Circuit Court as provided by the Medford Code and Oregon law; and iv) seek any other relief available as provided by either the Medford Code or Oregon law.

[Repealed, Sec. 4, Ord. No. 2001-166, Sept. 6, 2001; Replaced, Sec. 3, Ord. No. 2015-104, October 15, 2015.]