



# Planning Commission Agenda

**Development and Public Works Director,**  
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**Current Development Manager:**  
Greg Mott 541-726-3774  
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**Planning Commissioners:**

Nick Nelson, Chair  
Greg James, Vice-Chair  
Steve Moe  
Sean Dunn  
Michael Koivula  
Andrew Landen  
Tim Vohs

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The meeting location is wheelchair-accessible. For the hearing-impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. For meetings in the Council Meeting Room, a "Personal PA Receiver" for the hearing impaired is available. To arrange for these services, call 541.726.3610.

**Meetings will end prior to 10:00 p.m. unless extended by a vote of the Planning Commission.**

All proceedings before the Planning Commission are recorded.

**March 1, 2016**

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**6:30 p.m. Work Session  
Jesse Maine Room**

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(Planning Commission work sessions are reserved for discussion between Planning Commission, staff and consultants; therefore, the Planning Commission will not receive public input during work sessions. Opportunities for public input are given during all regular Planning Commission meetings.)

**CONVENE AND CALL TO ORDER THE WORK SESSION OF THE SPRINGFIELD PLANNING COMMISSION**

**ATTENDANCE:** Chair Nelson \_\_\_\_\_, Vice Chair James \_\_\_\_\_, Moe\_\_\_\_, Dunn \_\_\_\_\_,  
Koivula \_\_\_\_\_, Landen \_\_\_\_\_, Vohs \_\_\_\_\_.

**WORK SESSION ITEM(S)**

- 1. Ethics Yearly Training-** Materials to be distributed at meeting.

**Staff: Mary Bridget Smith, City Attorney  
Kristina Kraaz, City Attorney**

**30 Minutes**

**ADJOURN WORK SESSION OF THE SPRINGFIELD PLANNING COMMISSION**

**March 1, 2016**

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**7:00 p.m. Regular Session  
Council Chambers**

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**CONVENE AND CALL TO ORDER THE REGULAR SESSION OF THE SPRINGFIELD PLANNING COMMISSION**

**ATTENDANCE:** Chair Nelson \_\_\_\_\_, Vice Chair James \_\_\_\_\_, Moe\_\_\_\_, Dunn \_\_\_\_\_,  
Koivula \_\_\_\_\_, Landen \_\_\_\_\_, Vohs \_\_\_\_\_.

**PLEDGE OF ALLEGIANCE**

**ADJUSTMENTS TO THE REGULAR SESSION AGENDA**

In response to a request by a member of the Planning Commission, staff or applicant; by consensus

**BUSINESS FROM THE AUDIENCE**

Testimony is limited to 3 minutes; testimony may not discuss or otherwise address public hearings appearing on this Regular Session Agenda

**PUBLIC HEARING(S)**

**LEGISLATIVE PUBLIC HEARING –**

**Draft Land Use Regulation for Marijuana Business Activities Including Production, Manufacturing, Wholesale and Retail Sales-**

The City Council directed staff and the Planning Commission to develop draft land use regulations for the production, manufacture, wholesale and retail sales of marijuana for Council consideration and action in early 2016. Staff has incorporated Planning commission feedback along with prior input from industry and medical access representatives into the latest draft code language for Planning Commission consideration.

**Staff: Jim Donovan, Planning Supervisor  
30 Minutes**

**CONDUCT OF LEGISLATIVE PUBLIC HEARING BEFORE THE PLANNING COMMISSION**

- Chair opens the public hearing
- Staff report
- Testimony in support of the proposal
- Testimony opposed to the proposal
- Testimony neither in support of nor opposed to the proposal
- Questions from the Commission
- Summation by staff
- Consideration of request for continuation of public hearing, extension of written record, or both
- Close or continue public hearing; close or extend written record (continuance or extension by motion)

- Discussion of the proposal including testimony and evidence addressing the applicable approval criteria or other criteria cited in the record as applicable to the proposal; possible questions to staff or public
- Motion to recommend approval, approval with modification or conditions, or recommendation not to adopt the proposal based on the information contained in the staff report, oral and written testimony, and all other evidence submitted into the record
- Chair signs recommendation to the City Council

REPORT OF COUNCIL ACTION

BUSINESS FROM THE PLANNING COMMISSION

- Upcoming Planning Commission meetings, committee assignments, appointments or other business

BUSINESS FROM THE DEVELOPMENT AND PUBLIC WORKS DIRECTOR

ADJOURN REGULAR SESSION OF THE SPRINGFIELD PLANNING COMMISSION

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**AGENDA ITEM SUMMARY**

**Meeting Date:** 3/1/2016  
**Meeting Type:** Regular Meeting  
**Staff Contact/Dept.:** Greg Mott, DPW  
Jim Donovan, DPW  
**Staff Phone No:** 541-726-3774  
**Estimated Time:** 30 Minutes  
**Council Goals:** Provide Financially  
Responsible and  
Innovative Government  
Services

**SPRINGFIELD  
PLANNING COMMISSION**

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**ITEM TITLE:** Public Hearing and Recommendation To City Council on draft land use regulations for marijuana business activities including production, manufacturing, wholesale and retail sales.

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**ACTION REQUESTED:** Conduct a public hearing, consider written and oral public testimony along with the staff report prior to forwarding a recommendation to the City Council regarding adoption of language amending the Springfield Development Code.

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**ISSUE STATEMENT:** The City Council directed staff and the Planning Commission to develop draft land use regulations for the production, manufacture, wholesale and retail sales of marijuana for Council consideration and action in early 2016. Staff has incorporated Planning Commission feedback along with prior input from industry and medical access representatives into the latest draft code language for Planning Commission consideration.

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**ATTACHMENTS:** Attachment #1: Planning Commission Briefing Memorandum  
Attachment #2: Staff Report and Proposed Code Amendments  
Attachment #3: Code Amendment Criteria of Approval  
Attachment #4: Planning Commission Recommendation

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**DISCUSSION:** The Springfield City Council conducted a work session on 11/9/15 to begin consideration of new land use regulations for state licensed medical and recreational marijuana business activities. The Council generally supported the concepts of traditional zoning and development regulations, separation of uses and compliance with other regulations adopted by the State of Oregon. Council directed staff to work with the Planning Commission to research the above concepts and recommend a package of code revisions for Council review and adoption in early 2016.

The Planning Commission held work sessions on the subject in December 2015 and on January 2016 prior to conducting these public hearing procedures on proposed code amendments. The attached code proposals were developed with Planning Commission input and are ready for public review and comment prior to the Planning Commission forwarding a recommendation to City Council. In making recommendation to the City Council, the Planning Commission may adopt the code proposals and attached Order as written, direct staff to modify the proposals in response to public comment, or recommend limited revisions and forward public comment information to the City Council for additional consideration.

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**MEMORANDUM**

City of Springfield

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**Date:** 3/1/2016  
**To:** Planning Commission **COMMISSION**  
**From:** Jim Donovan **BRIEFING**  
Greg Mott  
**Subject:** Recreational Marijuana Code Updates **MEMORANDUM**

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**ISSUE:** The City Council directed staff and the Planning Commission to develop draft land use regulations for the production, manufacture, wholesale and retail sales of marijuana for Council consideration and action in early 2016. Staff has incorporated Planning Commission feedback along with prior input from industry and medical access representatives into the latest draft code language for Planning Commission consideration. This memorandum documents the process to date and the complete package provides a basis for adoption pursuant to the Springfield Development Code process for amendments.

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**COUNCIL GOALS:** This code amendment procedure is undertaken to codify local zoning regulations for a new industry approved by the residents of the state of Oregon. The undertaking affects all Council goals but primarily seeks to provide stable and equitable government services to all sectors of the economy served by the City of Springfield while protecting the health and welfare of our citizens by complying with all applicable state and federal regulations for activities that until recently were illegal under state and local laws. These code amendments are aspirational in their attempt to strike this balance and will undoubtedly be subject to future revisions or additions in response to industry or regulatory changes.

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**BACKGROUND/TIMELINE:**

This Development Code Amendment was initiated by the Director in accordance with SDC 5.6-105A on July 17, 2014 as a companion piece to Municipal Code amendments regulating medical marijuana dispensary licensing and operation.

Statewide Ballot Measure 91 approving recreational marijuana business passed in November 2014, pursuant to the successful ballot measure House Bill 91 was adopted in 2015, rulemaking ensued at the state level and OAR 845-025-1000 implementing HB 91 became operative on January 1, 2016.

Staff met with marijuana business industry representatives and medical access advocates prior to the adoption of licensing regulations and initial rules for time, place and manner of medical marijuana operations under state statutes and Oregon Health Authority operating rules. Staff has continued to correspond with existing licensed medical/recreational retailers and medical access advocates as state statutes and rules developed and have provided development review services, gathered information during OHA Committee meetings, OLCC roll out seminars, and direct contact. Staff has focused on the zoning and development aspects of the new industry, consistency with state statutes and attempted to avoid zoning or time place and manner regulations that may have a detriment to medical patients' ability to access retail outlets.

The Planning Commission held work sessions on December 15, 2015; December 22, 2015; and January 20, 2016 and a public hearing on March 1, 2016 and recommended approval of the proposed amendments to the Springfield City Council. The City Council will hold a public hearing and first reading of the ordinance on March 21, 2016. On Monday, April 4, 2016, the Council will consider a second reading and emergency adoption of the amendments.

The public hearing process before the Planning Commission and the City Council are the formal avenues for the public, industry and medical access advocates to provide feedback and significant feedback should be anticipated. The Planning Commission may recommend revisions to code proposals upon receiving feedback or direct staff to summarize and forward feedback to Council for consideration and action.

The attached code amendment documents provide a basis for review and recommendation to the City Council on previously discussed concepts:

- 1) Proposed zoning code changes to allow medical and recreational marijuana retail outlets, (hereinafter “retail”) under the same heading, in the Community Commercial and Major Retail Commercial Zoning Districts. Special Use Standards are noted and include compliance with state statutes, certain licensing requirements as specified in Chapter 7 of the Springfield Municipal Code, (Ordinance 6324 adopted and effective on July 21, 2014) and specific standards as proposed. Retail sales are not recommended in mixed use or industrial zoning districts for reasons discussed and explained below.
- 2) Proposed zoning code changes to provide appropriate zoning districts for the remaining three types of marijuana businesses licensed under Oregon Liquor Control Commission as defined and detailed in state statute. Proposals for Specific Development Standards are provided as applicable for compliance with state statutes, local licensing requirements and mitigation of impacts on surrounding properties.
- 3) Specific Development Standards for each affected zoning district to be detailed in terms of reasonable time, place and manner standards to be consistent with state statute or address identified impacts. The following types of items are proposed to be contained in Subsection 4.7-177 of the code:
  - Buffers and separation standards to protect sensitive uses or areas
  - Reasonable time place and manner regulations for retail uses
  - Mitigation standards for the impacts of industrial uses
  - Annexation and planning review standards
- 4) Propose non-conforming use protections for existing legal uses.
- 5) Provide definitions in code for legal uses and other terms.

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**RECOMMENDED ACTION:**

This code amendment package includes recommended changes to the Springfield Development Code consistent with City code and state statutes. Upon review of the proposal and public comment by the Planning Commission, staff recommends the Chair forward the package to the City Council by vote and signature on the attached order.

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**PROPOSED SPRINGFIELD DEVELOPMENT CODE (SDC) AMENDMENTS TO ALLOW  
MEDICAL AND RECREATIONAL MARIJUANA FACILITIES  
IN CERTAIN ZONING DISTRICTS (3/1/16)**

This proposed action amends the following Sections of the Springfield Development Code:

1) Subsection 3.2-200 Residential Zoning Districts; Subsection 3.2-210 Schedule of Use Categories; Subsection 3.2-300. Commercial Zoning Districts; Subsection 3.2-310 Schedule of Uses Categories; Subsection 3.2-400 Industrial Zoning Districts; 3.2-410 Schedule of Use Categories; Subsection 3.2-415 Schedule of Campus Industrial Use Categories; Subsection 3.2-600 Mixed Use Zoning Districts; Subsection 3.2-610 Schedule of Use Categories; Subsection 3.4-200 Glenwood Riverfront Mixed Use Plan District; Subsection 3.4-255 Prohibited Uses; Subsection 4.7-177 Marijuana Uses; Subsection 6.1-110 Meaning of Specific Words and Terms. These amendments will allow medical and recreational marijuana retail sales in the Community Commercial and Major Retail Commercial Zoning Districts; will allow marijuana production, processing and wholesale sales in the Light Medium, Heavy and Special Heavy Industrial Zoning Districts; will establish Subsection 4.7-177 describing specific development standards for each licensed use in each affected zoning district; and will add definitions consistent with state statutes.

**I. The use tables of the Springfield Development Code are proposed to be amended as follows:**

|  |
|--|
| <b>3.2-300 Commercial Zoning Districts</b> |
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**Commentary.** Marijuana retail sales are proposed to be permitted in the Community Commercial (CC) and Major Retail Commercial (MRC) Zoning Districts under Special Use standards as noted below and detailed under Special Use Standards section.

Marijuana retail sales are proposed to be prohibited in the Neighborhood Commercial (NC) and General Office Zoning Districts for the following reasons:

- 1) The NC (Neighborhood Commercial) Zoning District, while listed under “Commercial Districts”, is discussed under the Metro Plan Residential Designation where “neighborhood commercial services” are allowed as auxiliary uses. The SDC limits the NC Zoning District to not more than 3 acres in size consisting of a neighborhood market, hair salon, etc. serving the neighborhood and it is typically surrounded by residential zoning districts. The proposed separation and buffer restrictions proposed in Subsection 4.7-177 below either would be difficult to, or cannot be met.
- 2) The GO (General Office) Zoning District, which is considered a buffer between more intense commercial uses and residential uses does allow retail uses as a secondary use. However, retail uses are limited to no more than 10 percent of the gross floor area of the office building in which they are sited and are typically serving the primary office uses. If retail sales are to be buffered from residential districts, any separation standards would be virtually impossible to meet. For these reasons, staff proposes that marijuana retail outlets should not be permitted in the GO Zoning District.
- 3) After PC discussion of zoning principles and the lack of crime statistics to support safety concerns, state licensed commercial daycare businesses are not buffered in this proposal.

Proposed text is underlined and highlighted in **yellow**.

| 3.2-310 Schedule of Use Categories                |                      |    |     |    |
|---|----------------------|----|-----|----|
| Categories/Uses                                   | Commercial Districts |    |     |    |
|   | NC                   | CC | MRC | GO |
| Marijuana Business (Section 4.7-177)              |                      |    |     |    |
| Marijuana Retail Outlet (Recreational or Medical) | N                    | S* | S*  | N  |

Note: S\* refers to a use that is permitted subject to Special Use Standards, an asterisk denotes site plan review.

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**Section 3.2-400 Industrial Zoning Districts**

**Commentary.** This section addresses several issues identified with production of marijuana, processing of marijuana products or wholesaling of marijuana. Staff research of other jurisdictions, state statutes and code structure leads to the proposal not to permit marijuana dispensaries or retail outlets within industrial zoning districts as a primary or secondary use. The LMI (Light Medium Industrial) and HI (Heavy Industrial Zoning) Districts do not permit retail uses as a primary use, which includes, but is not limited to: manufacturing; warehousing; and research, development and testing laboratories. While these zoning districts do allow secondary uses serving or related to the primary industrial uses, they are limited to those serving the employees of the primary industrial use. There are no secondary retail uses in these zoning districts. In addition, the SHI (Special Heavy Industrial) Zoning District is located outside of the Springfield city limits and is therefore not eligible for marijuana dispensaries, which are required to be located only within Springfield’s city limits due to the operational requirements contained in the Springfield Municipal Code Chapter 7. The Springfield Municipal Code does not apply outside of the city limits.

**3.2-410 Schedule of Use Categories**

| Use Categories/Uses   | Industrial Districts |    |     |
|---|----------------------|----|-----|
|   | LMI                  | HI | SHI |
| Marijuana Business (Special Use Standards Section 4.7-177)        |                      |    |     |
| Production Facilities   | N                    | S* | S*  |
| Indoor/Outdoor, Tier I-II Canopy Regulations-                     |                      |    |     |
| Processing Facilities   | S*                   | S* | N   |
| Laboratory Testing Facilities                                     |                      |    |     |
| Wholesale Facilities  | S*                   | S* | N   |
| Marijuana Retail Outlets or Sales, as a primary or secondary use. | N                    | N  | N   |

Note: S\* refers to a use that is permitted subject to Special Use Standards, an asterisk denotes site plan review.

**3.2-415 Schedule of Campus Industrial Use Categories**

**Commentary.** While the CI (Campus Industrial) Zoning District does allow certain retail uses, these uses are also intended to be secondary to the permitted primary Campus Industrial uses. The purpose of these permitted secondary retail uses is to serve the employees of the CI Zoning District. A retail use will serve customers from all over the metropolitan area and, therefore, is not considered secondary to permitted primary uses specified in SDC Subsection 3.2-415. All other marijuana uses will not meet operational or other standards of the district.

Staff proposes adding marijuana dispensaries to the CI prohibited use list:

|                           |          |
|---------------------------|----------|
| <b>Prohibited Uses</b>    |          |
| <b>Marijuana Business</b> | <b>N</b> |

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**3.4-200 Glenwood Riverfront Mixed-Use Plan District**

**Commentary.** Springfield has two sets of mixed-use zoning district. One applies to Glenwood Phase 1 only; the other to the rest of the City. This section addresses the Glenwood Riverfront Mixed-Use Plan Districts.

All the zoning in Glenwood Riverfront Mixed-Use Plan District is either Employment Mixed-Use, Commercial Mixed-Use, Office Mixed-Use or Employment Mixed-Use. Any permitted primary uses in these zoning districts were limited to prevent conflicts with retail uses in downtown Springfield or other commercial areas and purposefully create a distinct business environment. Additionally, the purpose of permitted secondary retail uses in Glenwood is to serve either the residents or employees of a building, not the general public. Therefore, marijuana uses would not be allowed as a primary or secondary use in these zoning districts.

**3.4-255 Prohibited Uses**

The following uses are similar in nature to other prohibited retail and industrial uses and shall be added to the list of prohibited uses within the Glenwood Riverfront Mixed-Use Plan District:

**Marijuana Business.**

**Section 3.2-600 Mixed Use Zoning Districts**

**Commentary.** These mixed use zoning districts are distinct from Glenwood districts, and differ in permitted uses, notably residential uses are allowed under all three districts. Therefore it would be very difficult to regulate any separation between retail or any other marijuana uses and the desired residential uses. For these reasons staff recommends no marijuana uses be permitted in any mixed use district having a residential district.

**3.2-610 Schedule of Use Categories**

| Categories/Uses                             | Districts |     |     |
|---|-----------|-----|-----|
|   | MUC       | MUE | MUR |
| Marijuana Business                          |           |     |     |
| Production, Processing, Wholesaling, Retail | N         | N   | N   |

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**Section 3.2-200 Residential Zoning Districts**

**Commentary.** Marijuana businesses are prohibited in all standard residential districts by state statute, and verified for local compliance prior to the issuance of a license. This code section is intended to be consistent with those statutes.

**3.2-210 Schedule of Use Categories**

| Categories/Uses                             | Districts |     |     |     |
|---|-----------|-----|-----|-----|
|   | LDR       | SLR | MDR | HDR |
| Marijuana Business (4.7-177)                |           |     |     |     |
| Production, Processing, Wholesaling, Retail | N         | N   | N   | N   |

II. The following new Special Use Standards are proposed to be added to Code Section 4.7 as indicated by asterisk in the permitted use tables above:

**Section 4.7-177 Marijuana Uses**

**Commentary.** SDC 4.7-100 currently contains “special use” standards for a number of permitted uses in various zoning districts. These “special use” standards typically involve specific standards designed to control location or mitigate impacts of a use on surrounding properties. The following proposed Subsection provides specific standards for permitting marijuana uses consistent with statutory regulations, Springfield Municipal Code and as recommended or requested for consideration by City Council or the Planning Commission.

A. Retail marijuana outlets shall be:

1. Licensed or registered and operated in accordance with Oregon Revised Statutes and applicable Oregon Administrative Rules.
2. Licensed and regulated as specified in Chapter 7 of the Springfield Municipal Code;

3. Located on and take access from an arterial or collector street; and
4. Fully contained in a permanent building in the Community Commercial or Major Retail Commercial Zoning Districts.
5. Prohibited in any district except CC and MRC.

B. Where permitted by this Code, marijuana retail outlets shall not be located:

**Commentary.** The following section is designed to be consistent with state statutes and recommendations or requests for consideration by the Planning Commission or City Council.

1. At the same address as another licensed or registered marijuana business;
2. Within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors (“within 1,000 feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction from any point on the boundary line of the real property comprising an existing public or private elementary, secondary or career school primarily attended by minors);
3. Within 1,000 feet of another retail marijuana outlet (“within 1,000 feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction from any point on the boundary line of the real property comprising a retail outlet);

**Commentary.** The following proposed standards are not listed in statute; the intent was to provide additional protection of children. See the Cole Memorandum<sup>1</sup>. Staff reviewed adopted or proposed medical marijuana dispensary zoning regulations from Ashland, Beaverton and Salem and found that they addressed parks, pre-schools and certified day care facilities. See Medical Marijuana Dispensaries – Other City Comparisons. Staff originally proposed 1,000 feet of separation between parks, pre-schools and certified day care centers. However, based upon input from the marijuana industry representatives (250 foot from parks) and the 1000 foot buffer initially discussed, the 500 foot proposal represents a compromise of buffering. Pre-

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<sup>1</sup> In a memorandum to all United States Attorneys dated August 29, 2013, James M. Cole, Deputy Attorney General distributed information on Guidance Regarding Marijuana Enforcement. The memorandum states in part: “...the Department (Justice Department) in recent years has focused its efforts on certain enforcement priorities that are particularly important to the federal government... Preventing the distribution of marijuana to minors... The Department’s guidance in this memorandum rests on its expectation that states and local governments that have enacted [and/or are proposing to] laws authorizing marijuana-related conduct will implement strong and effective regulatory and enforcement systems that will address the threat those state laws could pose to public safety, public health, and other law enforcement interests...” The Oregon Legislature has adopted Medical Marijuana regulations enacted by Senate Bill 1531 (2014) which grants Springfield the authority to adopt ordinances within the city limits that impose reasonable regulations on the operation of medical marijuana facilities registered under ORS 475.314 that are consistent with the latest directive.

schools and day care facilities located in residential zoning districts will be addressed in the proposed residential setback locational standard below.

4. Within 500 feet of parks where minors congregate (“within 500 feet” means a straight line measurement in a radius extending for 500 feet or less in every direction from any point on the boundary line of the real property comprising a retail marijuana outlet).

**Commentary.** Setbacks from residential zoning districts. These standards are not listed in statute; the intent is to provide additional protection of children. This topic was initially discussed with City Council during review of regulations amending the Springfield Municipal Code to regulate licensing medical marijuana dispensaries in the City. A number of options were mentioned from 1,000 feet to 100 feet and possible distanced in between. Staff reviewed adopted, or soon to be adopted, medical marijuana dispensary zoning regulations from Ashland, Beaverton and Salem regarding setbacks from residential zoning districts. Staff found Ashland proposed a 200 foot setback, Salem proposed a 100 foot setback and Beaverton has no setback. Please note that when zoning was first applied along Main Street, commercial zoning included a 200 foot-wide swath that created a number of lots that were split zoned Community Commercial and residential. The linear pattern of Main Street also would prohibit the establishment of any medical marijuana dispensaries in this area if a 1,000 or even 200 foot setback was to be imposed. Staff prepared maps showing a proposed 50 foot and 100 foot setback from residential properties along Main Street and in other areas of Springfield where Community Commercial and Major Retail Commercial zoning occurs for review of Council and Planning Commission. Based upon input from Council, the Commission and initial feedback from marijuana industry representatives, a 50 foot setback was proposed. The 50 foot option should cover all residential pre-schools and day care facilities in the residential zoning districts and ensure that no retail outlet is located immediately adjacent to a residential zone. No separate setback for commercial day care facilities is proposed.

5. Within 50 feet of any residential zoning district (“within 50 feet” means a straight line measurement in a radius extending for 50 feet, including public right-of-way, in every direction from any point of the property containing a retail marijuana outlet)

**C. Additional Marijuana Retail Outlet Regulations. A marijuana retail outlet shall:**

1. Not have a drive-up window;
2. Not operate from any temporary facility in any zone.
3. Provide for secure disposal of marijuana remnants or by-products, which shall not be placed within the businesses exterior refuse containers.
4. Not include outdoor storage of merchandise, raw materials, or any other material associated with retail sales.
5. Preclude any use of products on site unless expressly exempted by state statute.
6. Not be allowed as a home occupation in any zone.

**Commentary:** The following proposed Subsection provides specific standards for permitting production, processing or wholesale marijuana uses consistent with statutory regulations, Springfield Municipal Code and as recommended or requested for consideration by City Council or the Planning Commission.

**D. Industrial Uses**

**Commentary:** Discussions with the Planning Commission of characteristics related to production identified a need for reasonable operating and location conditions designed to mitigate olfactory impacts related to outdoor and indoor grow operations. The state defines two tiers of canopy sizes for indoor and outdoor grows under Production licenses:

| Indoor Production                | Outdoor Production                 |
|----------------------------------|------------------------------------|
| Tier 1- Up to 5,000 square feet  | Tier 1- up to 20,000 square feet   |
| Tier II- 5001-10,000 square feet | Tier II- 20,001-40,000 square feet |

Considering the potential olfactory impacts related to both indoor and outdoor production and other site design characteristics required for site plan and MDS approval the following special standards are proposed by staff for production within the Heavy Industrial District:

**Production Facilities**

1. Indoor Production Facilities licensed by the State of Oregon as a Tier 1 operation shall be located within a permanent structure on a lot no smaller than 1 acre in size, shall not be located within 500 feet of any zoning district allowing residential use, and shall provide a controlled exhaust system with filters designed to significantly reduce or eliminate odors at the property line.
2. Indoor Production Facilities licensed by the State of Oregon as a Tier II operation shall be located within a permanent structure on a lot no smaller than 5 acres in size, shall not be located within 1000 feet of any zoning district allowing residential use, and shall provide a controlled exhaust system with filters designed to significantly reduce or eliminate odors at the property line.
3. Outdoor Production Facilities licensed by the State of Oregon as a Tier I operation shall be located on a lot no smaller than 5 acres in size, shall not be located within 1000 feet of any zoning district allowing residential use, and shall be screened or secured in accordance with state statutes and this code for outdoor storage. Any structure on site used for production purposes shall provide a controlled exhaust system with filters designed to significantly reduce or eliminate odors at the property line.
4. Outdoor Production Facilities licensed by the State of Oregon as a Tier II operation shall be located on a lot no smaller than 10 acres in size, shall not be located within 1000 feet of any zoning district allowing residential use and shall be screened or secured in accordance with state statutes and this code for outdoor storage. Any structure on site used for production purposes shall provide a controlled exhaust system with filters designed to significantly reduce or eliminate odors at the property line.

**Commentary:** Discussions with the Planning Commission of the known characteristics related to processing identified a need for reasonable operating conditions designed to mitigate impacts related to the most intense processing operations, notably extraction with butane or other chemicals.

**Processing Facilities**

1. Processing Facilities performing testing, including marijuana testing laboratories, processing, or manufacture of edibles or concentrates shall be located within LMI or HI Districts and be completely enclosed within a permanent structure provide with a controlled exhaust system with filters designed to significantly reduce or eliminate odors at the property line.
2. Processing Facilities processing cannabinoid extracts shall be located within HI Districts, shall be located 500 feet from any district allowing residential use and be completely enclosed within a permanent structure provide with a controlled exhaust system with filters designed to significantly reduce or eliminate odors at the property line and shall be subject to Type II Site Plan Review.
3. Licensed or registered and operated in accordance with Oregon Revised Statutes and applicable Oregon Administrative Rules.
4. Licensed and regulated as specified in Chapter 7 of the Springfield Municipal Code;
5. Located on and take access from an arterial or collector street; and

**Commentary:** Discussions with the Planning Commission of the known characteristics related to production identified a need for reasonable operating conditions designed to mitigate olfactory impacts related to outdoor and indoor grow operations.

**Wholesale Facilities**

1. Licensed or registered and operated in accordance with Oregon Revised Statutes and applicable Oregon Administrative Rules.
2. Licensed and regulated as specified in Chapter 7 of the Springfield Municipal Code.
3. Located on and take access from an arterial or collector street.
4. Within 50 feet of any residential zoning district (“within 50 feet” means a straight line measurement in a radius extending for 50 feet, including public right-of-way, in every direction from any point of the property containing a retail marijuana outlet.
5. No retail sales shall be permitted from any wholesale marijuana distribution facility.
6. No outdoor storage of any marijuana items shall occur at a wholesale marijuana distribution facility.

**Commentary.** The intent of the Subsection below is to not penalize existing marijuana dispensaries that have been: 1) approved prior to these proposed amendments; or 2) if a school, park or another protected use locates within a proposed locational standard area after a marijuana business has been approved under these proposed regulations.

**E.** The siting of a future school, daycare or park use that affects a licensed marijuana business existing at the time of the siting, shall not make the existing marijuana business in violation of the locational standards specified in this Code, nor shall it be grounds to refuse to renew a license.

**F.** In the event that a licensed or registered marijuana business is existing on [INSERT EFFECTIVE DATE OF ORDINANCE HERE], that existing use is allowed to continue as approved. In the event a marijuana business is unoccupied, discontinued or unlicensed for 6 months or more after the above date, it shall be subject to the non-conforming use standards of Section 5.8-100 of this code.

**Commentary.** In addition to meeting the proposed locational standards, establishment of marijuana businesses will require the following applicable planning review process. All marijuana businesses are required to be located on properties annexed to the City of Springfield to allow enforcement and licensing as prescribed by the Springfield Municipal Code, and all businesses permitted under this code are considered urban uses and are not permitted in the UF/10 Overlay District.

**G. Planning Review.**

- 1.** When the proposed marijuana business is a change of use in an existing building, Minimum Development Standards (MDS) as specified in Section 5.15-100 will apply.
- 2.** When the proposed marijuana business is to be located in a new building, Site Plan Review standards as specified in Section 5.17-100 will apply.
- 3.** MDS or Site Plan Review approval by the Director will require, in addition to any other conditions of approval, a copy of the state license or registration and a copy of the City of Springfield marijuana business license pursuant to Chapter 7 of the Springfield Municipal Code. These documents shall be required prior to occupancy.
- 4.** All marijuana businesses allowed under this code shall occur on properties inside city limits.

**Commentary.** The statutory definitions of medical and recreational uses consistent with Chapter 7 of the Springfield Municipal Code will be inserted prior to public review.

**Section 6.1-110 Meaning of Specific Words and Terms**

**Cannabinoid** means any of the chemical compounds that are the active constituents of marijuana.

**Cannabinoid concentrate** means a substance obtained by separating cannabinoids from marijuana by:

- (a) A mechanical extraction process; or
- (b) A chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol.

**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** means a substance obtained by separating cannabinoids from marijuana by:  
(a) A chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane;  
(b) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses heat or pressure; or  
(c) Any other process identified by the commission, in consultation with the authority, by rule.

**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.

**Cultivation or cultivate** means: all phases of growth of marijuana from seed to harvest.

**Marijuana** means the plant Cannabis family Cannabaceae, any part of the plant of the Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. "Marijuana" does not include industrial hemp, as defined in ORS 571.300.

**Marijuana business** means any person or entity appropriately licensed by the Oregon Health Authority or the Oregon Liquor Control Commission that sells, produces, cultivates, grows, wholesales, processes, researches, develops or tests medical marijuana or recreational adult use marijuana within the City of Springfield.

**Marijuana grow sites** means a specific location registered by the Oregon Health Authority and used by the grower to produce marijuana for medical use by a specific patient.

**Marijuana items** means marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

**Marijuana processing** means the preparing, compounding or conversion of marijuana into cannabinoid products, cannabinoid concentrates, and cannabinoid extracts for medical or recreational purposes.

**Marijuana production** means the manufacture, planting, cultivation, growing, or harvesting of marijuana as licensed by the Oregon Liquor Control Commission.

**Marijuana retailer** means a person or entity licensed by the Oregon Liquor Control Commission or Oregon Health Authority to sell marijuana items to a consumer in this state.

**Marijuana retail outlet** means a business location within an enclosed building, which complies with the standards and regulations for Marijuana Retail Outlets found in Subsection 4.7-177 of this Code.

**Marijuana testing laboratory** means a laboratory that tests marijuana items for producer, processor, wholesaler or retail outlets.

**Marijuana wholesaler** means a person or entity that purchases marijuana items in this state for resale to a person other than a consumer.

**Medical marijuana dispensary** means a medical marijuana facility or entity registered with the Oregon Health Authority under ORS 475.300.

**Recreational marijuana** means any marijuana intended for recreational use which meets all requirements for recreational marijuana contained in this chapter, Oregon state law, and any other applicable law.

**School** means a building where individuals gather to receive educational instruction, either public or private, except as otherwise specifically defined in this code. School does not include a child care facility as defined in this Chapter.

NOTE: This package of specific code amendment language is supported by the accompanying Staff Report and Findings document containing findings and conclusions in compliance with the standards of the Springfield Development Code for proposed amendments.



**TYP414-0003**  
**Springfield Development Code**  
**Amendment**  
**Staff Report and Findings**

**Procedural Findings**

Finding: This Development Code Amendment was initiated by the Director in accordance with SDC 5.6-105A.

Finding: Timely and sufficient notice of the public hearings was provided pursuant to SDC:

- Notice of the proposed amendments was provided to the Department of Land Conservation and Development (DLCD) on February 12, 2016.
- The City of Springfield published a notice of the Planning Commission and City Council public hearings for the proposed Development Code text amendments in the Register Guard Newspaper on February 16, 2016.
- The City of Springfield sent additional notice to known existing marijuana business owners and affected parties that have participated or requested notice on February 19, 2016.

Finding: The Planning Commission held work sessions on December 15, 2015; December 22, 2015; and January 20, 2016 and a public hearing on March 1, 2016 and recommended approval of the proposed amendments to the Springfield City Council.

Finding: The City Council will hold a public hearing and first reading of the ordinance on March 21, 2016. On Monday, April 4, 2016, the Council will consider a second reading and emergency adoption of the amendments.

**Précis of the Proposal**

These proposed amendments to the Springfield Development Code are intended to provide regulatory control of the production, processing, wholesaling and retailing of recreational marijuana as these uses and activities are undertaken in compliance with the rules of the Oregon Liquor Control Commission as promulgated in Oregon Administrative Rule 845, Division 25 and in Chapter 1, Oregon Laws 2015, and medical marijuana as these uses and activities are undertaken in compliance with the rules of the Oregon Health Authority as promulgated in Oregon Administrative Rule 333, Division 8 and in Chapter 614, Oregon Laws 2015.

This proposed action amends the following Sections of the Springfield Development Code:

- 1) Subsection 3.2-200 Residential Zoning Districts; Subsection 3.2-210 Schedule of Use Categories; Subsection 3.2-300. Commercial Zoning Districts; Subsection 3.2-310 Schedule of Uses Categories; Subsection 3.2-400 Industrial Zoning Districts; 3.2-410 Schedule of Use Categories; Subsection 3.2-415 Schedule of Campus Industrial Use Categories; Subsection 3.2-600 Mixed Use Zoning Districts; Subsection 3.2-610 Schedule of Use Categories; Subsection 3.4-200 Glenwood Riverfront Mixed Use Plan District; Subsection 3.4-255 Prohibited Uses; Subsection 4.7-177 Marijuana Uses; Subsection 6.1-110 Meaning of Specific

Words and Terms. These amendments will allow medical and recreational marijuana retail sales in the Community Commercial and Major Retail Commercial Zoning Districts; will allow marijuana production, processing and wholesale sales in the Light Medium, Heavy, and Special Heavy Industrial Zoning Districts; will establish Subsection 4.7-177 describing specific development standards for each licensed use in each affected zoning district; and will add definitions consistent with state statutes.

### **Criteria of Approval**

**SDC 5.6—115 A.** In reaching a decision on the adoption or amendment of refinement plans and this Code's text, the City Council shall adopt findings that demonstrate conformance to the following:

1. The Metro Plan;
2. Applicable State statutes; and
3. Applicable State-wide Planning Goals and Administrative Rules.

#### **1. The Metro Plan**

The Metro Plan does not contain policies that go to the matter of this proposal per se; that is, in contemplation of the myriad of land uses and collateral impacts of those uses, the Metro Plan does not precisely envision a specific activity or set aside land or infrastructure as a safeguard against an unknown and unpredictable future. The Metro Plan assumes an effective relationship between traditional implementation tools, i.e. zoning, development regulations, annexation, etc. and the promulgation of new laws and new rules, or decisions of the courts in the normal occurrence of legal adjudication of disputes or interpretations of the law. It is often the case that state legislation is best implemented at the local level by amendments, when called for, to the comprehensive plan or development regulations even when those documents provide no indication that this legislation was expected or is derived from actions of the Department of Land Conservation and Development or the Land Conservation and Development Commission. In the present circumstances the action to amend the Development Code is a response to the results of a statewide vote on the question of legalizing marijuana for recreational purposes. This is neither a deliberate action to address a land use deficiency, nor is it the typical process that is employed to promote or enact changes in the state's land use program. The principle objective was/is the legalization of marijuana for personal consumption; the methodology to enable this objective is only coincidentally a planning, land use, or development consideration and therefore subject to this obligation of plan consistency.

In a general, fundamental construct, the Metro Plan provides guidance for all or most all matters of an urban nature. As a subordinate element of the Metro Plan, the Development Code provides the structure and quantitative measures by which the actual use of land is regulated. In this case of immediate interest, that means implementing Ballot Measure 91's interpretative legislation contained in SB 3400. SB3400 regulates certain aspects of the production, processing, wholesaling and retailing of recreational marijuana, primarily via licensing authorized by the Oregon Liquor Control Commission and as found in OAR 845-25. The Metro Plan requires new land use regulations, clearly a component of SB3400, to be consistent with

the policies of the Metro Plan, and that any new regulations that are inconsistent with the Metro Plan either not be adopted or require amendment of the Metro Plan to achieve consistency between the code and the plan. The Springfield Development Code is premised upon an ongoing relationship of consistency with the Metro Plan. Chapter 1 of the SDC contains a synopsis explaining the relationship of the Code to the Statewide Planning Goals and the Metro Plan; Chapter 2 of the SDC contains general provisions including the following purpose statement: “The regulations contained in this Code are intended to ensure that development is: Sited on property zoned in accordance with the applicable Metro Plan diagram and/or applicable Refinement Plan diagram.” The amendments included with this proposal will be based on the appropriate zoning for each new use. This question of appropriateness is answered by application of the purpose and intent of individual zoning districts using the most fundamental, traditional zoning methodology of separating incompatible uses and co-mingling compatible and similar uses. For example, these amendments propose to limit retail sales of recreational marijuana to retail zoning districts; to limit production and processing of marijuana to industrial districts; establish setbacks or separation from residential uses (in many cases as specified by statute); require mechanical collection and dispersal of odors generated by marijuana undergoing these various processes and actions; and, prohibit some or all of these activities in most residential districts and anywhere outside the city limits. The use of the Development Code to regulate time, place, and intensity of uses is consistent with the original and continuing purpose and intent of zoning and development regulations, both of which are fundamental to implementing Plan policy and providing a consistent structure within which it is possible to affix the ongoing objective of Plan compliance, notwithstanding the specific nature of the use or its relationship with each of the applicable statewide land use goals.

Finding: This broader understanding of planning policy and implementation techniques is acknowledged in Chapter I General Findings, page I-8: *“The development and implementation of planning policies have social and economic impacts;”*

Finding: The relationship between the Metro Plan and other plans, policies and reports is described in Chapter I, page I-6: *“The Metro Plan is the basic guiding land use policy document, but it is not the only such document. As indicated in the Purpose section, above, the Metro Plan is a framework plan, and it is important that it be supplemented by more detailed refinement plans, programs, and policies;”*

Finding: The Metro Plan anticipates that application of the goals, objectives and policies will not always occur in a predictable way nor will events unfold in a preferred sequence; in these circumstances each governing body will exercise its authority and discretion in selecting the proper tools and applicable policies in pursuit of maintaining Metro Plan compliance as described under *“Use of the Metro Plan”* in Chapter I, page I-4: *“The revised goals, objectives, and policies contained in this Metro Plan are not presented in any particular order of importance. The respective jurisdictions recognize that there are apparent conflicts and inconsistencies between and among some goals and policies. When making decisions based on the Metro Plan, not all of the goals and polices can be met to the same degree in every instance. Use of the Metro Plan requires a balancing of its various components on a case-by-case basis, as well as a selection of those goals, objectives, and policies most pertinent to the issue at hand.”*

Finding: The text found under the *Purpose* section, page I-1, is thorough in its description of the planning process; how the various policies of the Plan establish the basis for most local land

use decisions; how the public is included in these decisions; the need for coordination among the governments and service agencies; and the advisability of using more precise planning studies to assist with the application of general policy language at the local level: *“Guides all governments and agencies in the metropolitan area in developing and implementing their own activities which relate to the public planning process; Establishes the policy basis for a general, coordinated, long-range approach among affected agencies for the provision of the facilities and services needed in the metropolitan area; Provides the public with general guidelines for individual planning decisions. Reference to supplemental planning documents of a more localized scope, including neighborhood refinement plans, is advisable when applying the Metro Plan to specific parcels of land or individual tax lots; Provides continuity in the planning process over an extended period of time; Establishes a means for consistent and coordinated planning decisions by all public agencies and across jurisdictional lines;”*

Finding: Fundamental Principle #5, page II-A-1, Chapter II states: *“The zoning process shall be monitored and adjusted to meet current urban land use demands through the planning period for all land use categories.”*

Finding: The “goals” established in the Metro plan express the desires of the residents of Springfield. The “goals” are generally carried out through “policies,” which are statements of public policy.

Finding: The goals and policies of the Metro Plan do not regulate legal business activities at the granular level. The addition of permitted uses and development standards in the Springfield Development Code in response to state statutes is a standard function of the adopted implementing ordinance at a structural level and does not materially affect any existing Commercial, Industrial or Economic elements of the Metro Plan.

Conclusion: The above recitation and citations from the Metro Plan generally speak to the relationship between plan policies and support documents such as zoning or development regulation. This relationship exists regardless of the specific subject of this attraction or its place of origin; this includes the results of a popular vote legalizing a leisure activity, but with specific strings attached. In this regard, the foregoing demonstrates that the proposed code amendments are in conformance with the applicable policies of the Metro Plan.

## **2. Applicable State Statutes**

### Marijuana Statutes

Finding: Oregon voters approved Ballot Measure 67, the Oregon Medical Marijuana Act, in November 1998. The Oregon legislature has amended the Oregon Medical Marijuana Act and the Act authorizes local government to adopt reasonable regulations related to the hours of operation, location and manner in which medical marijuana dispensaries are regulated. Cities have home rule authority to adopt regulations that are not unconstitutional or preempted by federal or state law.

Finding: Oregon voters approved Ballot Measure 91 in November 2014, legalizing the personal use and possession of adult recreational marijuana on July 1, 2015, with certain limitations,

including restrictions on use in public, no growing in public view, a restriction on minors attempting to buy or entering licensed premises, prohibiting the sale or use by persons under 21, and imposing licensing and other requirements on marijuana cultivation, processing and dispensing facilities. The measure, as amended by the Oregon State Legislature in 2015 (HB 3400 A, Section 33), authorizes reasonable conditions on the manner in which licensed retailers, processors, producers, wholesalers may sell marijuana; reasonable limitations on the hours during which a licensed marijuana facility may sell marijuana items; reasonable requirements related to a public's access to a licensed premises; reasonable distance between facilities (no more than 1000 feet); and reasonable limitations on where a licensed premises may be located. Such regulations must be consistent with the City's comprehensive plan, development code and public health and safety laws.

Finding: Senate Bill 460 allows medical marijuana retailers to sell limited amounts of adult recreational marijuana beginning October 1, 2015. This provision sunsets on December 31, 2016.

Finding: These regulations are also adopted in furtherance and protection of the health, safety and welfare of the citizens of Springfield, including under the broad home rule authority of the City of Springfield municipal charter.

Finding: In determining what is "reasonable," the City has reviewed existing precedents across the state of Oregon, as well as Colorado and Washington states.

Finding: The City Council, in adopting this ordinance, is concerned with fairness, neighborhood compatibility, respecting the will of the voters, protecting youth and minors, crime and nuisance issues, a cooperative and balanced approach and allowing new businesses to emerge and grow.

Finding: Adverse effects of marijuana facilities to the community, addressed through reasonable time, place and manner restrictions, such as the ones adopted by this ordinance, include:

1. Exposure of minors to the use and commercial aspects of marijuana;
2. Offensive odors from marijuana cultivation, production and storage; and
3. Incompatible development in residential areas.

Finding: State statutes continued to develop during the 2015 legislative session for adoption by the implementing agencies, the Oregon Health Authority (OHA) and the Oregon Liquor Control Commission (OLCC). Subsequently, the OLCC published several versions of draft rules, and then comprehensive final temporary rules. OHA has also published additional draft rules on the medical marijuana dispensary program, labeling, concentration and serving size and testing. Measure 91, HB 3400, other applicable statutes and the various rules are all available for public review.

Finding: The SDC zoning rules under consideration herein are designed to establish and regulate state licensed and legal marijuana rules in accordance with all applicable state statutes.

Finding: When a development application includes a proposed comprehensive plan amendment or land use district change, or both, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060.

Finding: The new text amends the SDC, an implementation ordinance and functional component of the Metro Plan, and is an amendment to a land use regulation as noted in OAR 660-012-0060. The proposed amendments are not site specific and do not affect the functional classification of any street. The proposed amendments will have no measurable impacts on the amount of traffic on the existing transportation system; the proposed amendments will allow uses within specific zoning districts that will not generate more individual vehicle trips, materials deliveries, or other freight purposes than would existing permitted uses within these zoning districts affected by these amendments; therefore the proposed text amendments do not cause a "significant effect" under ORS 660-012-0060.

### State Land Use Statutes

Finding: State statutes which apply to this request include those statutes requiring compliance to Statewide Planning Goals. The statute requiring compliance is ORS 197.250. This application can be deemed in compliance by adoption of findings relating how the application conforms to each of the Statewide Goals, as outlined in the following section.

Conclusion: The above recitations, citations and conclusions demonstrate that the proposed amendments are in conformance with the applicable state statutes for new marijuana uses.

### 3. Applicable State-wide Planning Goals and Administrative Rules.

Finding: The proposed amendments are consistent with the applicable State land use law. In particular, they satisfy Goal 1: Citizen Involvement, Goal 2: Land Use Planning, and Goal 9: Economic Development.

#### Goal 1, Citizen Involvement

This Goal is satisfied through following the City's acknowledged text amendment process that includes a Planning Commission public hearing, followed by a City Council public hearing on the proposed land use code amendments. In addition, the City has met and notified known marijuana business owners. See also the dates and substance of notices announcing public meetings to discuss these proposed amendments under the procedural requirements on page 1 of this document.

#### Goal 2, Land Use Planning

This Goal requires a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions. The Goal is met because the City followed the land use planning process and policy framework established in the City's acknowledged Comprehensive Plan (Metro Plan) and Development Code as a basis for the decisions and actions related to the

new regulations regarding the use of land and to assure an adequate factual base for these decisions and actions. The proposed amendments will be adopted by the City Council after a public hearing. Multiple opportunities were provided for review and comment by citizens and affected governmental units during the preparation of this ordinance.

Goal 2 specifically states that minor plan changes such as the marijuana business regulations, should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established. The City rules proposed reflect the input of knowledgeable members of the industry, marijuana law, the Willamalane Parks and Recreation District, and the community at large. Staff and Planning Commission studied several maps with buffers around various uses including schools, childcare facilities, parks and also between marijuana facilities. The proposed amendments include buffers around schools and residential districts in order to balance a strong and heartfelt desire to balance protection of children from drug use while still allowing marijuana uses to locate in the City and to serve legitimate medical needs and also to allow marijuana retail to develop their legal businesses for adults.

#### Goal 3 – Agricultural Land

All land in the City's urban transition area carries City, urban zoning. An exception to this goal was taken in 1982 when the comprehensive plan was acknowledged. Goal 3 does not apply to land within the jurisdiction of the City of Springfield.

#### Goal 4 – Forest Land

All land in the City's urban transition area carries City zoning. An exception to this goal was taken in 1982 when the comprehensive plan was acknowledged.

#### Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources

The proposed amendments do not provide an alternative approach to development review for these activities. These proposed new uses will be subject to the same rules and standards regarding development within or adjacent to inventoried Goal 5 resources that apply to all existing permitted uses. No change to the City's Goal 5 inventory or Goal 5 protection measures is proposed. The City's long standing acknowledgment of compliance with Goal 5 is unaffected by these proposed amendments.

#### Goal 6 – Air, Water and Land Resources Quality

The addition of these new uses in the use lists in the CC, MRC, LMI, HI and SHI zoning district has no effect on the City's long standing acknowledgment of compliance with Goal 6.

#### Goal 7 – Areas Subject to Natural Disasters and Hazards

The addition of these new uses as permitted uses within the city limits does not relieve the developer from compliance with the city's development review standards as they are applied within areas designated for consideration under Goal 7, nor are any of these uses more susceptible to the potential effects of these naturally occurring phenomena than are existing uses permitted within these areas, therefore the City's long standing acknowledgment of compliance with Goal 7 is maintained.

## Goal 8 – Recreational Needs

The Willamalane Park and Recreation Plan constitutes the City's efforts and commitments to compliance with Goal 8. Among other elements of the park plan is a map showing all existing parks, both improved and undeveloped, in Willamalane's inventory. Most of these parks are located within residential plan designations, but several of them, Willamalane Park for instance, are near or are adjacent to commercial or industrial designations. This is of interest because one of the components of the proposed Code amendments recommends two commercial zones (CC, MRC) and three industrial zones (LMI, HI, SHI) as suitable for licensed activities, while at the same time recommending a minimum separation of 500 feet between any of the licensed activities and any park. The statute has no such standard for separation from parks, but it does require 1,000 feet of separation between all licensed activities and all K-12 public and private schools; this separation is included in the proposed amendments. These proposed Code amendments do not influence the ability of Willamalane to achieve its long range plan for the provision of park and recreation sites because the separation limitation is imposed on licensed sites, not on parks, therefore the Park District can make improvements to undeveloped parks, and could acquire land for new park development regardless of the location of any existing licensed activity therefore the City's long standing acknowledgment of compliance with Goal 8 is maintained.

## Goal 9, Economic Development

This Goal is implemented through Oregon Administrative Rule (OAR) Division 9 which is intended to ensure that each jurisdiction maintain an adequate land supply for economic development and employment growth. The proposed amendments establish regulations that are consistent with addressing these same concerns (distance from residential uses; mitigation of obnoxious odors at the property line) that existing uses must satisfy; such an approach reasonably accommodates existing and new marijuana businesses, allowing them to emerge and grow, thereby diversifying the local economy. Additionally, the language of the statute makes it clear that the state's interest is in maintaining an adequate supply of product without artificially influencing demand or supply in such a way as to encourage the incursion of the black market. Staff evaluated the effect of required separation distances, location of commercial and industrial sites, and sites meeting minimum size requirements for production licensing; there were a sufficient number of properties satisfying these standards to preclude the artificial or unsought effect of limiting the supply of sites; therefore the City's long standing acknowledgement of compliance with Goal 9 is maintained.

## Goal 10 – Housing

The proposed amendments prohibit any of these licensed activities in residential zoning districts; require a minimum separation of 50 feet from retail and wholesale uses; and 500 or 1,000 feet from production (grow) or processing. These proposed amendments will not reduce residential inventories as these uses are not allowed in residential zones; will not impact residential inventories as manufacturing or processing activities must be 500 or 1,000 feet from the nearest property that allows residential use; therefore the City's long standing acknowledgment of compliance with Goal 10 is maintained.

## Goal 11 – Public Facilities and Services

The proposed amendments do not result in the need to adjust or amend existing policies or projects included in the City's adopted Public Facilities and Services Plan through introduction

of uses that will generate more demand than existing, permitted uses in these same zoning districts proposed for these licensed activities; therefore the City's long standing acknowledgment of compliance with Goal 11 is maintained.

#### Goal 12 – Transportation

Finding: When a development application includes a proposed comprehensive plan amendment or land use district change, or both, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060.

Finding: The new text amends the SDC, an implementation ordinance and functional component of the Metro Plan, and is an amendment to a land use regulation as noted in OAR 660-012-0060. The proposed amendments are not site specific and therefore do not affect the functional classification of any street. The proposed amendments will have no measurable impacts on the amount of traffic on the existing transportation system; the proposed amendments will allow uses within specific zoning districts that will not generate more individual vehicle trips, materials deliveries, or other freight purposes than would existing permitted uses within these zoning therefore the proposed text amendments do not cause a "significant effect" under ORS 660-012-0060.

Section 660-012-0060 of the Transportation Planning Rules requires evaluation of a comprehensive plan or land use regulation amendment to determine if the amendment significantly affects a transportation facility. The proposed SDC amendment does not: change the functional classification of an existing or planned transportation facility; change standards implementing a functional classification system; allow types of levels of use which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or reduce the level of service of a facility below the minimum acceptable level identified in the Metropolitan Area Transportation Plan (TransPlan).

The proposed amendment will not affect a transportation facility and will not affect compliance with policies or projects contained in TransPlan, a functional refinement to the Metro Plan, acknowledged as complying with the requirements of Goal 12; therefore the City's long standing acknowledgment of compliance with Goal 12 is maintained.

#### Goal 13 – Energy Conservation

The proposed amendments do not require the provision of any form of energy, or at higher levels, than current, existing uses demand; these proposed amendments do not enable urban uses to consume or dispense any form of energy in excess of the demands and discharge of current, existing uses; therefore the City's long standing acknowledgment of compliance with Goal 13 is maintained.

#### Goal 14 – Urbanization

This goal is concerned with the management of land within the urban growth boundary so that future growth occurs in a compact form, without leap-frogging or reflecting a pattern of sprawl, and that high quality farm and forest land is protected for those activities. These proposed amendments do not encourage sprawl or lower than targeted densities, or uncoordinated development. All of the new uses proposed in these amendments are equal to existing uses in terms of land needs, utilities, infrastructure; they are no more likely to encourage scattered

development than existing permitted uses, and they are no more likely to deplete commercial and industrial inventories than any of the existing, permitted uses. The management of the City's land use inventories is unaffected by these proposed amendments therefore the City's long standing acknowledgment of compliance with Goal 14 is maintained.

#### Goal 15 – Willamette River Greenway

The City's obligation and requirements to protect and enhance the Willamette River Greenway is unaffected by these proposed amendments; all residential zones within the Greenway is unchanged by this proposal inasmuch as these uses are prohibited in residential zones; the Glenwood Riverfront is zoned Mixed Use, either residential, commercial, or employment, and in all cases none of the proposed use additions are permitted in mixed use zones; therefore the City's long standing acknowledgment of compliance with Goal 15 is maintained.

#### Goals 16 through 19 – Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources

There are no coastal, ocean, estuarine, or beach and dune resources within the City's jurisdiction. These goals do not apply in Springfield.

#### Conclusion and Recommendation

The City of Springfield recognizes the importance of a diverse economy that supports a mix of uses. The proposed amendments address compatibility concerns raised by members of the public; however, they are not overly regulatory and therefore allow new businesses to emerge and grow, thereby diversifying the local economy. The proposed regulations provide clear standards and specify under what circumstances these licensed activities will be allowed. Such specificity is useful to all parties interested in these activities, including elected and appointed officials, City staff and the general public.

The preceding findings demonstrate that the proposed amendments are consistent with the criteria of Section 5 of the Springfield Development Code, the Metro Plan, applicable statewide planning goals, and applicable administrative rules. Staff recommends the Planning Commission forward a motion to the City Council recommending adoption of these Code amendments.

**Before the Planning Commission  
Of the  
City of Springfield**

|  |     |   |
|--|-----|---|
| <b>SPRINGFIELD DEVELOPMENT CODE<br/>AMENDMENTS TO PERMITTED USE TABLES<br/>AND ADDING DEVELOPMENT STANDARDS<br/>FOR MARIJUANA BUISNESSES</b> | ] ] | <b>RECOMMENDATION TO<br/>THE CITY COUNCIL</b> |
|--|-----|---|

**NATURE OF THE APPLICATION**

City Initiated Springfield Development Code Amendments For State Licensed Marijuana Production, Processing, Wholesale and Retail Facilities.

1. On July 16, 2014, Staff initiated a proposal to add land use regulations for medical marijuana sales to the Springfield Development Code, subsequently considering regulations for recreational marijuana business in response to a state wide ballot initiative and ensuing state statutes.
2. The proposal was initiated and submitted to the Planning Commission for review and a recommendation to City Council. Timely and sufficient notice of the public hearing, pursuant to Section 5.2-115 of the Springfield Development Code has been provided.
3. On March 1, 2016, a public hearing on the code amendments was held before the City of Springfield Planning Commission. The Development and Public Works staff report, notes and recommendation together with the testimony and submittals of the persons testifying at the hearing have been entered in the public record and have been considered during this proceeding.

**CONCLUSION**

On the basis of this record, the proposed code amendments, as submitted, are consistent with the criteria of Section 5.6-115 of the Springfield Development Code. This general finding is supported by the specific findings of fact and conclusions in the attached Staff Report and Findings.

**RECOMMENDATION**

The Planning Commission hereby recommends the City Council consider the request as recommended herein at their March 21, 2016 meeting.

ATTEST:

\_\_\_\_\_  
Planning Commission Chairperson

AYES:

NOES:

ABSTAIN: