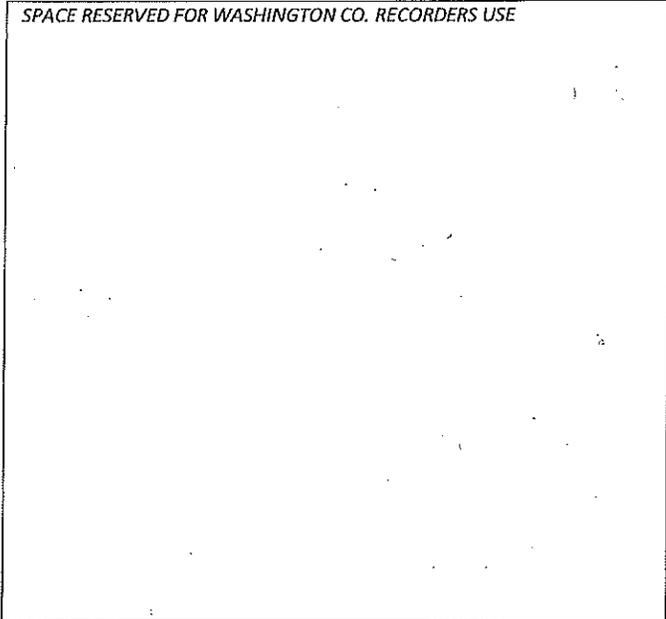


**BEFORE THE PLANNING COMMISSION FOR  
THE CITY OF BEAVERTON, OREGON**

**After recording return to:**  
City of Beaverton, City Recorder:  
P.O. Box 4755  
Beaverton, OR 97076



IN THE MATTER OF A REQUEST TO APPROVAL TO AMEND THE )	ORDER NO. 2440
BEAVERTON DEVELOPMENT CODE TO ESTABLISH )	TA2015-0005 ORDER RECOMMENDING APPROVAL OF THE
REGULATIONS FOR RECREATIONAL MARIJUANA USES. )	RECREATIONAL MARIJUANA TEXT AMENDMENT TO
)	BEAVERTON CITY COUNCIL

The matter came before the Planning Commission on January 6, 2016, on a request for approval to amend the Beaverton Development Code to establish new regulations for recreational marijuana uses as authorized by Oregon Voters in Ballot Measure 91. The new regulations address Marijuana Processing, Wholesale Marijuana Sales, and Retail Marijuana Sales. Staff recommended to the Planning Commission that the zones in which marijuana processing and wholesale marijuana sales be permitted uses are in the Office Industrial (OI) and the Industrial (IND) zoning districts. Staff further recommended that retail marijuana sales be a permitted use in the General Commercial (GC), Community Service (CS), and Corridor Commercial (CC) zoning districts. The proposed amendment also prohibits any marijuana use in the City Residential zoning districts. Furthermore, the proposed amendments include regulations limiting hours of operation, requiring location of retail marijuana facilities at least 1,000 feet from other retail marijuana facilities and from marijuana dispensaries. Lastly, the proposed

amendment adds definitions of marijuana-based uses to Chapter 90 (Definitions) of the Development Code.

Pursuant to Ordinance 2050 (Development Code) Section 50.45, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal. The Commission considered testimony from a representative of the Tualatin Hills Park and Recreation District (THPRD), who requested that the Commission consider adding a requirement of a 1,000 foot buffer between retail marijuana facilities and THPRD recreational facilities, such as the Terpenning Center at SW Walker Road and SW 158<sup>th</sup> Avenue. The justification for adding the requested buffer is the fact that significant numbers of children are present at these THPRD recreational facilities throughout the week. The THPRD representative compared these facilities to schools, where newly adopted statutes require a 1,000 foot buffer.

The Commission deliberated on the issue of adding a 1,000 foot buffer from public recreational facilities. The Commission found that certain public recreational facilities operated by THPRD do host numbers of children comparable to the numbers of children that would be found at an area school. The Commission also found that the public recreational facilities operated by THPRD are not inclusive of all THPRD facilities such as open space areas, trails, and neighborhood parks, but those facilities where there is a greater focus on child activities. These THPRD facilities include recreation centers, recreational complexes, and/or swim centers, which are identified in the THPRD Comprehensive Plan. The Commission found that because of the number of children using these public recreational facilities on a daily basis, adding a 1,000 foot buffer from

THPRD public recreational facilities for retail marijuana sale uses would be an appropriate local restriction on the proposed use.

The Commission directed the following text be added to Exhibit A of the December 30, 2015 staff report, consistent with the findings made at the January 6, 2016 public hearing:

In Section 3 of Exhibit A, add the following to proposed Development Code section 20.10.25.16:

*"b. not be located within 1,000 feet of a public recreational facility."*

In Section 6 of Exhibit A, add the following:

*"**Recreational Facilities.** As applicable to Retail Marijuana Sales, a recreational facility that is operated by THPRD and is identified as a recreational center, recreational complex, and/or swim center in the THPRD Comprehensive Plan."*

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated December 30, 2015, with Exhibit A of that report being amended as reviewed by the Commission at the January 6, 2016 public hearing, the findings contained in the December 30, 2015 report, and the supplemental findings contained herein, as applicable to the approval criteria contained in Section 40.85.15.1.C of the Development Code.

Therefore, **IT IS HEREBY ORDERED THAT TA2015-0005 is RECOMMENDED FOR APPROVAL** to the Beaverton City Council based on the testimony, reports and exhibits, and evidence presented during the public hearing on the matter and based on the facts, findings, and conclusions found in the Staff Report dated December 30, 2015, as amended, and this Land Use Order.

Motion **CARRIED**, by the following vote:

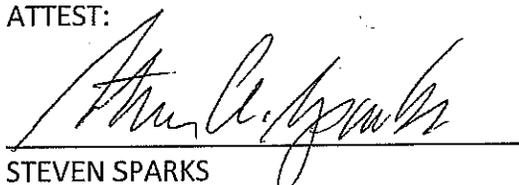
**AYES:** Wilson, Kroger, Doukas, Sajadpour, and Overhage.  
**NAYS:** Winter and Nye.  
**ABSTAIN:** None.  
**ABSENT:** None.

Dated this 11 day of January, 2016.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2440 an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton's Community Development Department's office by no later than 4:00 p.m. on January 19, 2016.

PLANNING COMMISSION  
FOR BEAVERTON, OREGON

ATTEST:

  
\_\_\_\_\_  
STEVEN SPARKS  
Principal Planner

APPROVED:

  
\_\_\_\_\_  
MIMI DOUKAS  
Chair