



City of Oregon City

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Staff Report

File Number: PC 16-082

Agenda Date: 8/8/2016

Status: Agenda Ready

To: Planning Commission

Agenda #: 3a.

From: Pete Walter

File Type: Land Use

SUBJECT:

Planning File LE-16-0001 - Adoption of Time, Place and Manner Regulations for Marijuana Businesses and Personal Cultivation.

RECOMMENDED ACTION (Motion):

Staff recommends the Planning Commission recommend approval of Legislative file LE-16-0001 to the City Commission.

BACKGROUND:

Staff recommends approval of Legislative file LE-16-0001 based on satisfaction of the criteria for a Legislative action as outlined in the staff report findings.

The City Commission passed Ordinance 15-1017 on November 4, 2015 to ban marijuana businesses. The City Commission will refer the question of whether to prohibit recreational marijuana producers, processors, wholesalers and retailers, as well as medical marijuana processors and medical marijuana dispensaries to the voters of Oregon City. This shall be referred to the electors of the City of Oregon City at the next statewide general election on Tuesday, November 8, 2016. If the citizens of Oregon City vote in favor of these types of businesses, the City may have in place "time place and manner" regulations to provide a legal process for permitting and regulating marijuana businesses as well as personal cultivation. If the voters elect not allow these businesses in the city, these regulations will not go into effect.

Staff completed the attached draft of time, place and manner regulations for marijuana businesses. The code revisions are based on extensive public outreach, staff research, and input from a variety of sources including the Oregon Liquor Control Commission, League of Oregon Cities, reviews of various other municipal regulations, and City Attorney legal analysis. The Planning Commission reviewed the draft regulations at the July 11, 2016 Work Session and at the July 25, 2016 Planning Commission hearing. All changes directed from the Planning Commission have been incorporated into the proposed draft.

The principal section that contains operational and site standards for marijuana businesses is within OCMC 17.54.110. The proposed code will treat medical and recreational marijuana businesses similarly. Please refer to the Marijuana Business Zoning Quick Reference Table for a summary of how each of five main types of marijuana businesses will be regulated in the various zone districts. Maps are also provided as part of the record.

Marijuana production (i.e. "grows") will be only be permitted in the GI - General Industrial Zone.

Retail uses and dispensaries, as proposed, are prohibited:

- Within 250 feet of any public parks, licensed child care and day care facilities, and public transit centers.
- Within 1000 feet of a public, private or parochial elementary, secondary school or the Clackamas Community College campus.
- Abutting a residential zone unless the zone that permits the retail use or dispensary abuts a freeway, expressway, major arterial, minor arterial, or collector functional road (as shown on Figure 8, Multi-Modal Street System, of the Oregon City Transportation System Plan).

The location of personal cultivation of marijuana would be required to be setback from property lines by a minimum of 10 feet from property lines.

BUDGET IMPACT: N/A

Amount:

FY(s):

Funding Source: