City of Oregon City

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Staff Report

File Number: PC 16-103

Agenda Date: 10/19/2016

Status: Agenda Ready

To: City Commission

Agenda #: 6a.

From: Community Development Director Laura Terway

File Type: Land Use

SUBJECT:
Second Reading of Ordinance No. 16-1008: Time, Place and Manner Regulations for Marijuana Businesses (Planning File LE-16-0001)

RECOMMENDED ACTION (Motion):
Staff recommends the City Commission approve the second reading of Ordinance No. 16-1008.

BACKGROUND:
City Commission approved the first reading of Ord. No. 16-1008 on October 5th, 2016.

The final time, place and manner regulations for marijuana businesses 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 and August 8, 2016 Planning Commission hearings. Following the public hearing on August 8, 2016 the Planning Commission amended the draft regulations prior to recommending approval to the City Commission.

The City Commission has resolved all outstanding issues raised through the public hearing process related to the proposed regulations, including the decision to prohibit marijuana businesses in the Canemah National Register District.

The proposed regulations will go into effect if and when the voters of Oregon City decide to lift the current ban on marijuana activities put in place by Ordinance 15-1017. The City Commission passed Ordinance 15-1017 on November 4, 2015 to ban marijuana businesses. The City Commission has referred 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 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 would have in place “time place and manner” regulations to provide a legal process for permitting and regulating marijuana businesses. If the voters elect not allow these businesses in the city, these regulations will not go into effect. The proposed regulations do not distinguish between medical and recreational marijuana.