



City of Oregon City

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Staff Report

File Number: 16-588

Agenda Date: 10/19/2016

Status: Agenda Ready

To: City Commission

Agenda #: 6b.

From: Community Development Director Laura Terway

File Type: Ordinance

SUBJECT:

Ordinance No. 16-1010: Adopting a Ban on Outdoor Cultivation of Marijuana

RECOMMENDED ACTION (Motion):

Consider proposed Ordinance No. 16-1010, adopting a ban on outdoor cultivation of marijuana.

BACKGROUND:

As a result of the public hearing process for review of Time, Place and Manner regulations for marijuana businesses, the City Commission had provided direction that outdoor cultivation of marijuana (personal or otherwise) should be prohibited for nuisance reasons. Staff subsequently prepared amendments to the Oregon City Municipal Code Nuisance section in Chapter 8.08.

The City Commission approved the first reading of the Ordinance on September 21st, 2016 and at the public hearing on October 5th, 2016 for the second reading, the Commission heard testimony from several members of the public opposed to the proposed ban on personal outdoor cultivation of marijuana, and tabled the second reading in order for the City Attorney to provide additional guidance.

As the City Attorney memorandum states, the Commission may consider a number of different courses, including adopting the ordinance as proposed and risking the potential for litigation or the Commission could abandon this effort and rely on state law. Alternatively, the Commission could revise the language in Ordinance 16-1010 further to make it clear that no more than four plants are allowed and that they must not be visible from a public place, re-stating state law requirements.