



Legislation Details (With Text)

File #: PC 16-086 **Version:** 1 **Name:** Marijuana Regulations LE-16-0001
Type: Land Use Item **Status:** Public Hearing
File created: 8/10/2016 **In control:** City Commission
On agenda: 8/17/2016 **Final action:**
Title: Time, Place and Manner Regulations for Marijuana Businesses and Personal Cultivation (Planning File LE-16-0001)
Sponsors: Laura Terway
Indexes:
Code sections:

Attachments: 1. Staff Report, 2. Staff Report with Recommended Findings, 3. Revised Draft Code All Sections, 4. Potential Marijuana Business Use Table, 5. Oregon City Zoning Map, 6. Potential Retail Map Scenarios (See Legend on each Map for Explanation), 7. Potential Wholesaler Map, 8. Potential Processor Map, 9. Potential Producer Map, 10. Work Session PowerPoint Presentation 08.09.16, 11. City Commission Work Session Packet 08.09.16, 12. Planning Commission Packet 08.08.16, 13. Planning Commission Items entered at Hearing 08.08.16, 14. Planning Commission Packet 07.27.16, 15. Planning Commission Items entered at Hearing 07.25.16

Date	Ver.	Action By	Action	Result
8/17/2016	1	City Commission	adopt	Pass
8/17/2016	1	City Commission	adopt	Pass
8/17/2016	1	City Commission	adopt	Pass
8/17/2016	1	City Commission	adopt	Fail
8/17/2016	1	City Commission	adopt	Pass
8/17/2016	1	City Commission	adopt	Pass

Time, Place and Manner Regulations for Marijuana Businesses and Personal Cultivation (Planning File LE-16-0001)

RECOMMENDED ACTION (Motion):

Staff recommends the City Commission consider the draft regulations for Planning File LE-16-0001.

BACKGROUND:

Staff recommends the City Commission consider Legislative file LE-16-0001, Adoption of Time, Place and Manner Regulations for Marijuana Businesses and Personal Cultivation.

Staff has 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 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 discussed the draft regulations at the work session on August 9, 2016. The following issues were discussed:

- The recommended 1000' buffer around Clackamas Community College. Staff has prepared maps to illustrate the effect of this additional buffer on potential marijuana retail locations.
- The recommended 250' buffer around licensed childcare and daycare facilities, public parks and transit centers. Staff has prepared maps to illustrate the effect on potential marijuana retail locations.
- The draft code language for proposed Standard of Operation #3, which requires that *"No portion of any marijuana business shall be conducted outside, including but not limited to outdoor storage, production, processing, wholesaling, laboratories and retail sale."* Staff provided revised language to allow temporary ingress and egress.
- The draft code language for proposed Standard of Operation #6, which requires that *"doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress and egress the building."* As read, this standard does not differentiate between the various business uses.
- The recommended prohibition on marijuana businesses in the Canemah National Register Historic District (OCMC 17.26).
- Indoor versus outdoor personal cultivation. Currently the draft regulations would not apply to personal cultivation provided it complies with state law.

Should the City Commission direct staff to modify the proposed regulations to address the issues discussed above, staff will revise the draft regulations accordingly, and prepare an ordinance for introduction at the September 7, 2016 public hearing date.

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 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. The proposed regulations do not distinguish between medical and recreational marijuana. The proposed regulations do not affect personal recreational and medical use of marijuana in accordance with state law.