



Legislation Text

File #: PC 16-086, Version: 1

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.