



Legislation Text

File #: PC 16-091, Version: 1

First Reading of Ordinance 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 first reading of Ordinance 16-1008.

BACKGROUND:

Staff has completed the final amendments to the proposed 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.

At the public hearing on August 17, 2016 the City Commission reviewed and resolved several outstanding questions related to the proposed marijuana regulations. The issues that the commission resolved were:

- Whether to require a 1000' buffer from Clackamas Community College for marijuana retailers (Yes).
- Whether to require a 250' buffer from public parks, licensed child care and day care facilities, and public transit centers for marijuana retailers (Yes).
- Whether to require 1000' separation between marijuana retailers (Yes).
- Whether to include code language to allow outdoor temporary ingress and egress of vehicles, persons and materials associated with the permitted marijuana use (Yes).
- Whether to require personal cultivation of marijuana be indoors (Yes).

The City Commission provided direction that outdoor cultivation of marijuana (personal or otherwise) should be prohibited. Staff has prepared a separate code amendment to the Nuisance Code in Chapter 8.08 of the Oregon City Municipal Code, and a separate ordinance (Ord. 16-1010) to assure that this will go into effect separately and independent of the Time, Place and Manner Regulations for Marijuana Businesses.

The final issue for resolution is the decision to allow or prohibit marijuana businesses in the Canemah National Register District, which means the areas that are zoned HC-Historic Commercial on either side of OR 99-E - McLoughlin Boulevard (see attached map). The Canemah Neighborhood Association was contacted for their feedback on this issue. Members of the neighborhood have circulated a petition and provided testimony supporting the prohibition of marijuana businesses in the Canemah Historic Commercial district. Staff prepared two different amendments to Chapter 17.29

(Historic Commercial) depending on whether the Commission determines to either prohibit or allow retail marijuana business in the Canemah National Register Historic 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.