

MEDICAL MARIJUANA
DISPENSARIES
Code Amendments
PA 15-02

Planning Commission
Public Hearing
April 14, 2015



Tonight's Hearing,

Should the Planning Commission forward a recommendation to the City Council to amend sections of the SZDC in order to regulate medical marijuana dispensaries within the City?

CLARIFYING POINTS

1. Tonight's hearing is **NOT** about
Recreational Marijuana

State rules are not in place yet

2. Council indicated that we should
not consider banning MMDs.

History of Medical Marijuana in Oregon

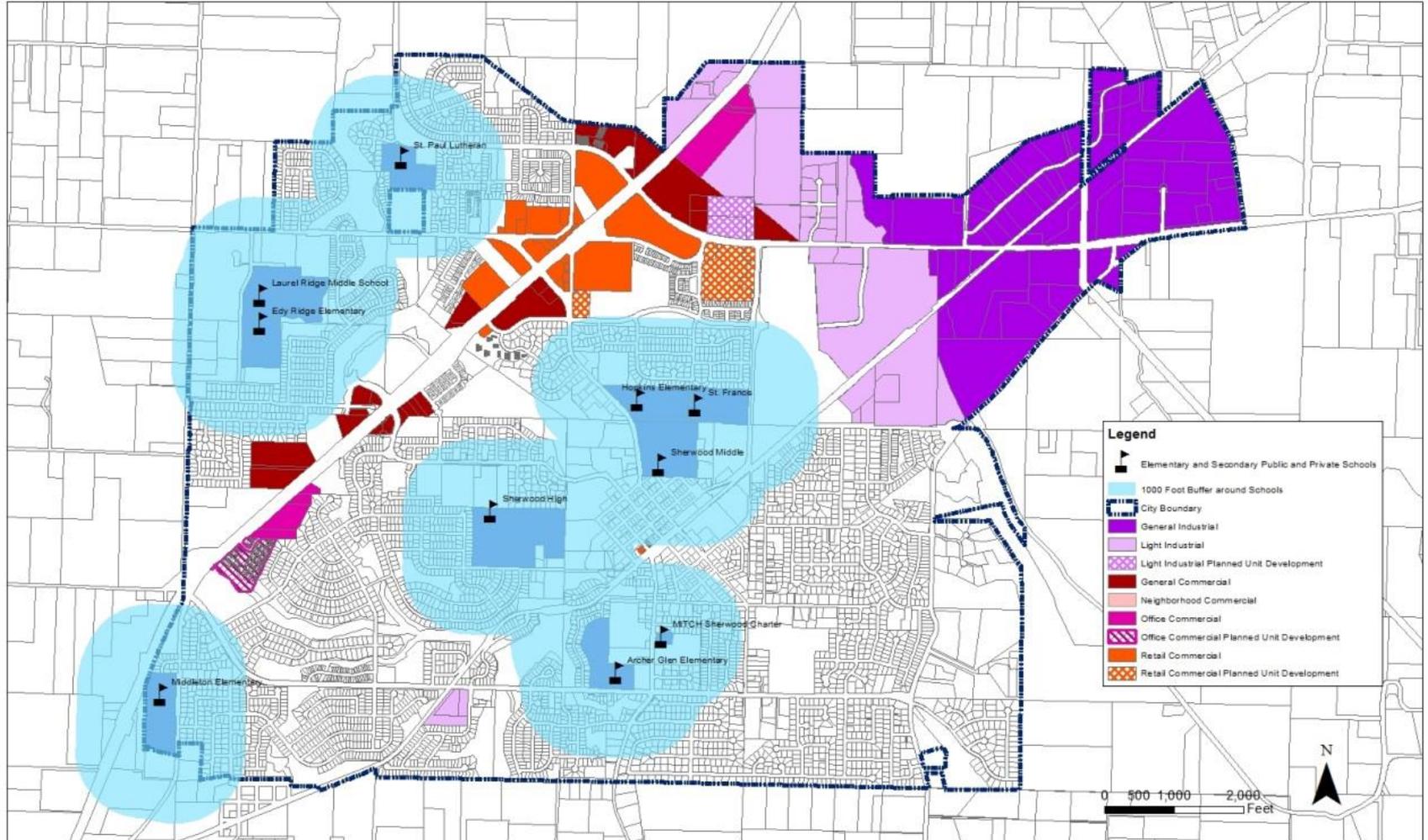
- * 1998-Voters approved Oregon Medical Marijuana Act
- * 2013-HB 3460- required a dispensary to register with the Oregon Health Authority
- * 2014- Senate Bill 1531 authorized local jurisdictions to regulate dispensaries by imposing time, place, and manner restrictions on their operations
 - * Allowed a moratorium on dispensaries through May 1, 2015
 - * Sherwood enacted a moratorium

Statewide Medical Marijuana Dispensary Land Use Regulations

- * **Dispensary must be located in Commercial, Industrial Mixed Use or Agricultural zone**
- * **Cannot be in same location as a Grow site**
- * **Cannot be within 1,000 feet from a school-public or private or another dispensary**
- * **Background check**
- * **Must be a Registered Business in Oregon**
- * **Must install a Security System**
- * **Cannot be Mobile**

SCHOOL ZONE BUFFER

1000 Foot School Buffers with Industrial and Commercial Zones



PUBLIC OUTREACH

- * Public Work Session on March 10, 2015
- * Online Survey ran from March 6-31, 2015
- * Staff met with Police Advisory Board on April 2, 2015

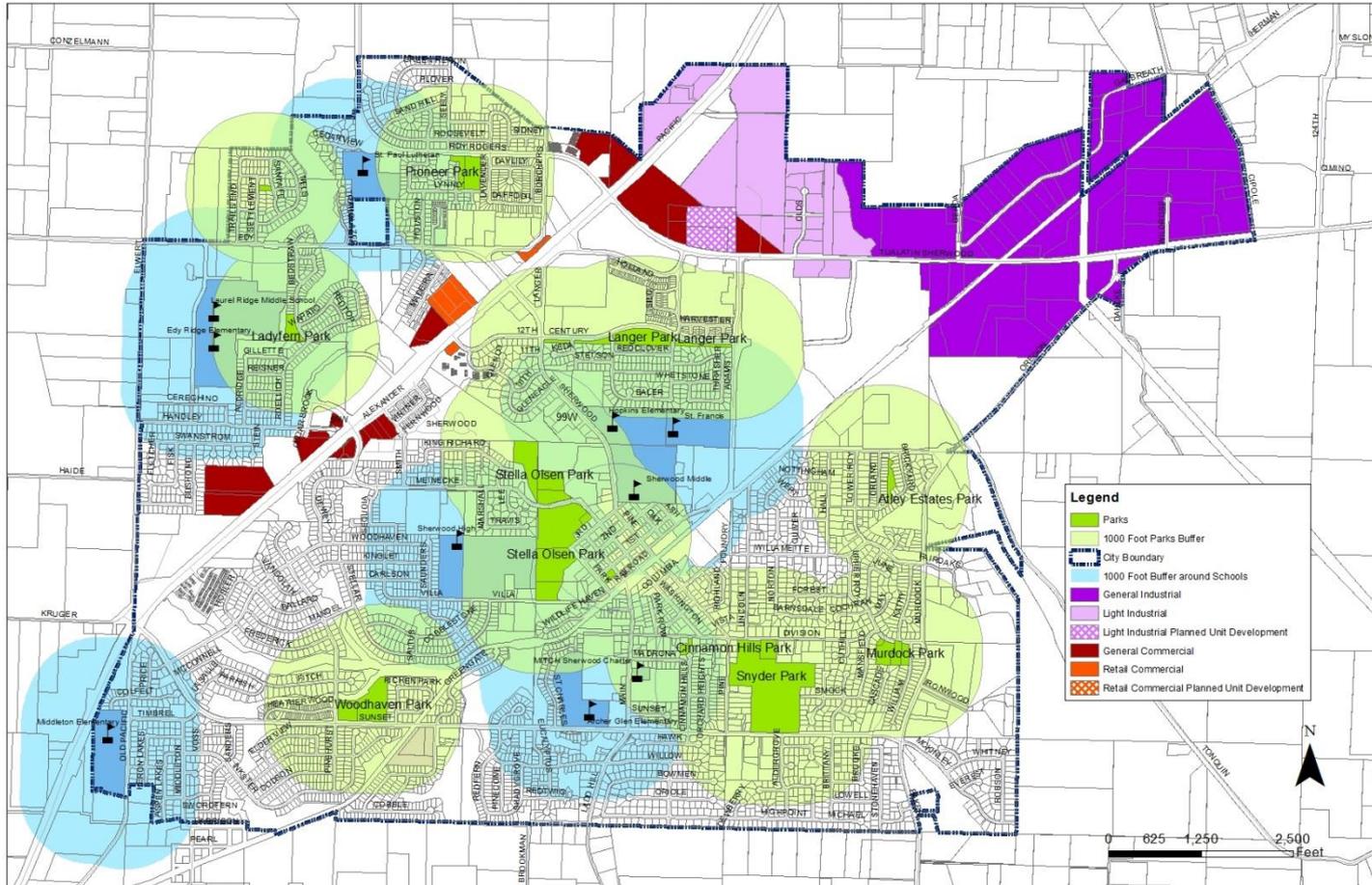
Definitions

- * Add Medical Marijuana Dispensary Definition
- * Add Mobile Vendor Definition



Zoning and Buffer Restrictions

1000 Foot School and Park Buffers



Type II Land Use Process

- Staff Level Land Use Decision
- Review Under the Special Use Category
- 14 Day Notice to Property Owners within 1000' feet –Comment on the Proposal
- Publish at Five Locations
- Appeal by the Hearing Officer

Special Use Category

A. Characteristics

- A Medical Marijuana dispensary is defined under Chapter 16.10.
- Registration and Compliance with Oregon Health Authority under ORS 475.314.
- Violations of the OHA Rules are a violation of this Code

B. Type II Land Use Action

C. Add Criteria for Medical Marijuana Dispensary in Special Use Category

- Hours
- Add Buffers
- Security Measures

Police Advisory Board Recommendation

- * Limiting the land use zoning to Industrial Land only
- * Reduce the allowable size of a dispensary to 2,500 square feet
- * Allow the dispensary to remain open to 7 pm during the week days
- * Add a definition for public plaza



Comparison of Other Jurisdictions' Response to Marijuana Regulations

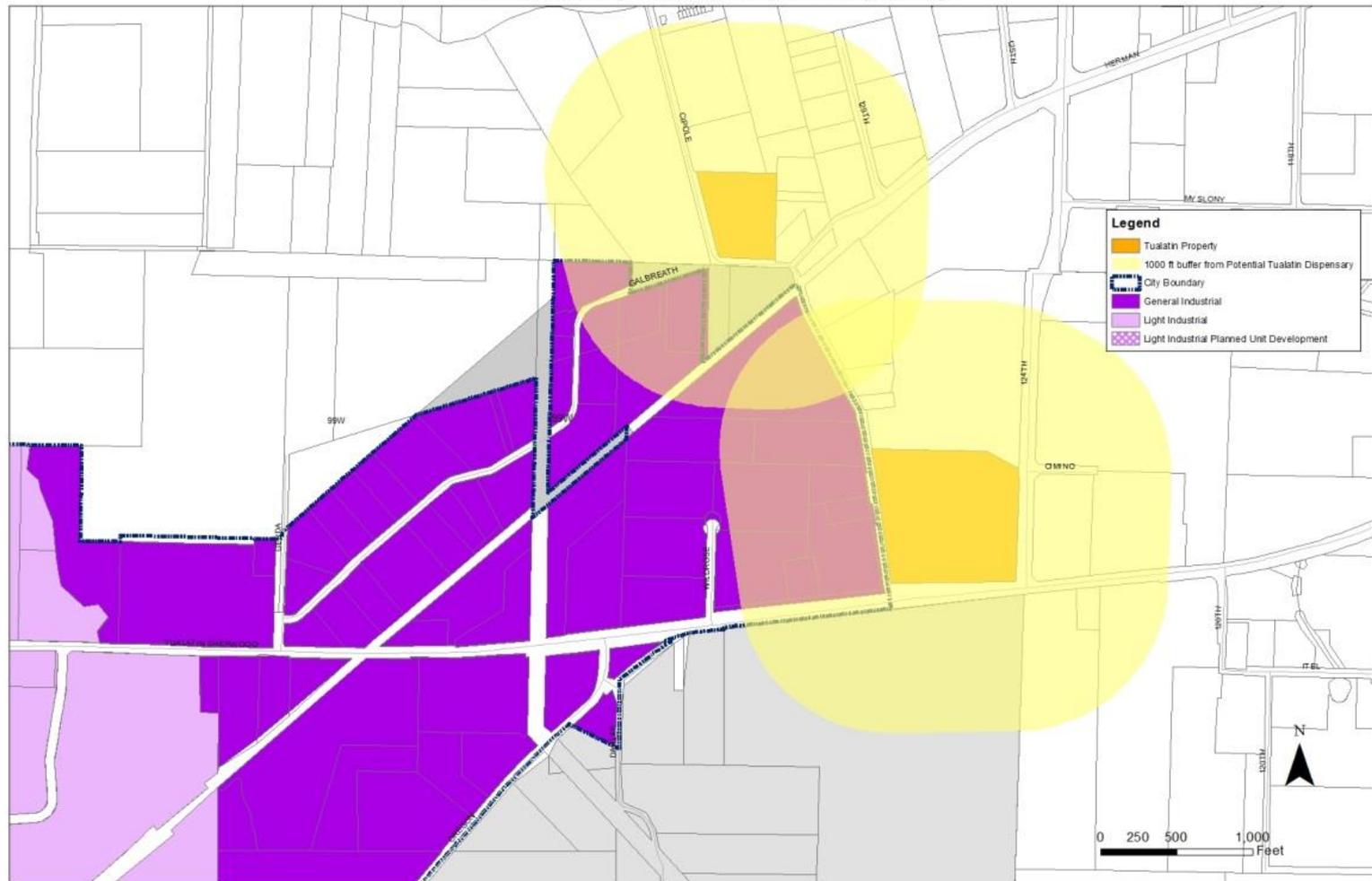
Jurisdiction	Zoning	Buffers
Washington County	Both	2000' from another dispensary
Beaverton	Commercial	none
Newberg	Commercial	Park buffer
Hillsboro	Commercial/Industrial	Park buffer/ 2k from another dispensary
Tualatin	Manufacturing zone only	3000' from residential parks schools, libraries
Tigard	Retail M-on 99W or Main St	500' residential buffer

Comparison of Other Jurisdictions' Response to Marijuana Regulations

Jurisdiction	Hours	Other Regulations
Washington County	8 am-10 pm	Limit 3000 feet in size of dispensary
Beaverton	7 am-10 pm	none
Newberg	9 am – 8 pm	
Hillsboro	10 am - 8:00 pm Mon - Thurs 10 am - 10:00 pm weekends	2000 feet of other dispensaries
Tualatin	10 -8 pm	3000 feet in size
Tigard	10 am – 8 pm	Type I process

1000 ft. Buffer for a Tualatin Dispensary

1000 ft from any Potential Tualatin Dispensary



Staff recommends the following Proposed Code Amendments

- * **Add Definitions to Chapter 16.10**
- * **Add Medical Marijuana to the Use Categories in Commercial and Industrial**
- * **Add Medical Marijuana Dispensary under a Type II process**
- * **Add Criteria for Medical Marijuana Dispensary in Special Use category**
 - * **Hours**
 - * **Add Buffers**
 - * **Security Measures**

Commission Materials

Staff Report with Findings and Recommendation

Exhibit A. Proposed Code Amendments

Exhibit B. Final Rules for Medical Marijuana Dispensary Program

Exhibit C. Police Advisory Board Recommendation

Exhibit D. Sheri Ralston comments

Exhibit E. Chief Groth Letter regarding Time, Place and Manner Regulations

Exhibit F. School and Parks Buffer Map of Sherwood

Questions?