

AGENDA

TOWN HALL MEETING

January 25, 2016

5:30 p.m.

The Dalles City Hall Council Chamber
313 Court Street
The Dalles, Oregon

1. CALL TO ORDER AND WELCOME - Mayor Lawrence
2. PRESENTATION REGARDING MARIJUANA ISSUES
 - A. Presentations by City Attorney Gene Parker and Rob Bovett
 - B. Questions and Discussion
3. ADJOURNMENT

Prepared by/
Julie Krueger, MMC
City Clerk

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PRESENTATION FOR TOWN HALL MEETING ON
MARIJUANA REGULATION – JANUARY 25, 2016

Seven marijuana related activities requiring license or registration from State of Oregon

1. Marijuana grow site: involves planting, cultivating, growing, trimming or harvesting of marijuana or drying marijuana leaves or flowers
 - State law does not restrict location of grow sites
 - Zoning Restrictions
 - Residential: up to 12 mature plants
 - Other zones: up to 48 mature plants
 - Existing grow sites registered as of January 1, 2015, are limited to the number of plants existing as of December 31, 2015, not to exceed 24 mature plants in a residential zone, and 96 mature plants in other zones
2. Recreational marijuana producer: includes manufacture, planting, cultivation, growing and harvesting
 - Regulated by Oregon Liquor Control Commission (OLCC)
 - No state law restrictions on location
 - Not allowed within primary residence of a producer
 - OLCC had administrative rules on size of canopies for indoor and outdoor growing
3. Medical marijuana processing site: location for compounding or conversion of marijuana into medical products, concentrates, or extracts.
 - Regulation by Oregon Health Authority (OHA)
 - Not allowed in area zoned for residential use
4. Recreational marijuana processors: includes processing, compounding, or conversion of marijuana into products, concentrates or extracts, but does not include packing or labeling
 - Cannot be located in an area zoned for residential use
5. Medical marijuana dispensaries: General Ordinance No. 15-1339 provides for regulations of these dispensaries:
 - Allowed as permitted use in Central Business Commercial, General Commercial, and Commercial Light Industrial Zone Districts

- 500 foot buffer from residential zones
 - 1000 foot buffer from public or private elementary, secondary or career school attended primarily by minors; public library; public park or recreational facility
 - Must be located within a building; outdoor storage of merchandise prohibited
 - No drive up facility
 - Provide for secure disposal of marijuana remnants or by-products
 - Be registered with OHA
 - Hours of operation between 10:00 AM to 6:00 PM.
6. Wholesale activity associated with recreational marijuana: include the purchase of marijuana items for resale to a person other than a consumer
- Regulated by OLCC
 - OLCC rules do not allow this activity in area zoned for residential use
7. Retail sale of recreational marijuana: includes sale of marijuana items to a consumer
- Licensed by OLCC
 - Cannot be located upon federal property
 - Cannot be located at the same physical location or address for a registered medical marijuana grow site, a medical marijuana processing site, or a medical marijuana dispensary
 - Cannot be located within 1000 feet of most public and private elementary, middle, and high schools. If school is established within 1000 feet of existing retail licensee, licensee can remain where it is until OLCC revokes license
 - Cannot be located in an area zoned exclusively for residential use

Three primary options for potential City regulation

Option #1 – Referral of ballot measure to voters

Measure could propose to prohibit or allow following activities:

- Marijuana processing sites
- Medical marijuana dispensaries
- Marijuana producers
- Marijuana processors
- Marijuana wholesalers
- Marijuana retailers

Measure would need to be submitted to County Clerk by September 8, 2016 for vote at November 8, 2016 election

Referral of the measure would effectively place a hold on licensing any of activities listed in measure

If the measure included ban on medical marijuana dispensaries, existing medical marijuana dispensary would not be subject to any additional ban on medical marijuana dispensaries

Passage of the measure would likely mean City would not share in any of state marijuana tax revenue, or be able to impose local tax on marijuana

Option #2 – Referral of measure for local tax upon recreational marijuana:
limited to three percent, and voted on at November 8, 2016 general election

Prior to July 1, 2017 – 10% of state tax collected to go to cities “to assist local law enforcement in performing duties under Ballot Measure 91. Revenue to be distributed proportionally to all cities based upon their population.

After July 1, 2017, revenues to be distributed proportionally based upon number of licenses for retail sales in the cities.

Option #3- Defer to state regulations or consider adoption of local regulations

Alternatives for local regulations:

Designate certain activities which would not be allowed in certain zoning districts, and include language in the City’s Land Use and Development Ordinance which would provide in certain districts that an allowed use is defined as “one which does not violate local, state, or federal law”.

Consider reasonable time, place and manner regulations

- Restrictions upon hours of operation of recreational marijuana retailers and medical marijuana grow sites, processing sites, and dispensaries
- Restrictions on location of recreational marijuana producers, processors, wholesalers, and retailers, as well as marijuana grow sites, processing sites and dispensaries, with provision that buffer between recreational marijuana retailers cannot exceed 1,000 feet
- Restrictions on manner of operation of recreational marijuana producers, processors, wholesalers and retailers, as well as medical marijuana processors
- Restrictions on public's access to the premises of recreational marijuana producers, processors, wholesalers, and retailers, as well as medical marijuana grow sites, processing sites, and dispensaries