

Marijuana Land Use Issues

Board of County Commissioners Business Meeting
September 24, 2015



Purpose of Today's Discussion



- Share information on background and current status with Board and public
- Public comment on issues related to marijuana land use
- Board opportunity to hear comments, questions, concerns from public
- NOT a land use hearing on draft regulations
 - Testimony welcome in writing to sharig@Clackamas.us or Shari Gilevich, Planning & Zoning Division, 150 Beaver Creek Rd., Oregon City 97045
 - Public testimony in person
 - Planning Commission meetings Oct. 26 and Nov. 2
 - Board of County Commission meetings Nov. 23 and Dec. 2

Background: State Laws and Regulations



- Laws
 - Measure 91 approved by Oregon voters in November 2014
 - Legalized marijuana for personal recreational use
 - 52.1% in favor, 47.9% opposed in Clackamas County
 - Five related bills approved by 2015 legislature; HB 3400 and one other with land use provisions
- Regulations
 - Medical marijuana regulated by Oregon Health Authority (OHA)
 - Recreational marijuana regulated by Oregon Liquor Control Commission (OLCC)
 - Required to adopt administrative rules by Jan. 1, 2016
 - Rules generally focus on the manner in which businesses operate
 - Rules may impact some land use issues
 - Required to begin accepting license applications by Jan. 4, 2016

Background: State Law



Seven categories of marijuana businesses

- Recreational
 - Producer (grow)
 - Processor
 - Wholesaler
 - Retailer (dispensary)
- Medical
 - Producer (grow)
 - Processor
 - Retailer (dispensary)

Background: Three County Options



1. Opt out of one or more of six business categories (*may not opt out of medical production*)
 - Temporary moratorium on facilities included in the opt-out
 - Opt-out placed on county ballot in next state-wide general election
 - No impact on personal grow, use, possession
 - No impact on medical marijuana processors and dispensaries that are already registered
 - County prohibited from imposing local tax on marijuana sales
 - County disqualified from receiving a share of state tax revenue on marijuana sales

Background: Three County Options



2. Take no action

- Existing county regulations would apply to marijuana industry
- Apply land use regulations from HB 3400 and comply with any additional state regulations
- Still have to amend buffer distances between dispensaries in time/place/manner ordinance adopted in April 2015

3. Adopt new land use ordinances on recreational marijuana uses

- County has authority to adopt “reasonable regulations” related to impacts and issues, such as location, set-backs, security, noise, odor, building size, traffic, etc.
- Recommend having any new regulations in place by January 2016

County Process to Date: County Commission



- April 16, 2015 - adopted time/place/manner ordinance for retail marijuana dispensaries
- July 21 - agreed to:
 - Proceed with considering new or amended land use regulations, to be effective January 2016
 - Establish an advisory task force of stakeholders
- July 27 - met with Planning Commission to discuss policy issues
- Aug. 17 - visited two marijuana grow sites
- Sept. 9 - discussed marijuana land use issues at a policy session

County Process to Date: Task Force



- Marijuana Land Use Regulations Advisory Task Force
 - Made up of representatives from:
 - marijuana industry
 - public health
 - community
 - law enforcement
 - Planning Commission
 - with support from Planning and PGA staff
 - Met Aug. 12, 19, 26 to review, discuss marijuana land use policy issues
 - Met Sept. 21 to hear about and discuss the marijuana land use regulations drafted by staff

County Process to Date: Planning Commission



- July 27 - met with Board of County Commissioners to discuss policy issues
- Aug. 24 - held a work session to learn more about legislation and policy issues
- Sept. 17 - visited a medical marijuana dispensary
- Sept. 21 - joined task force to hear staff presentation on draft regulations

Next Steps



- Planning Commission study session - Oct. 12 (*no public comment*)
- Planning Commission hearings - Oct. 26 and, if needed, Nov. 2 (*to take public testimony*)
- Board of Commissioners planning session - Nov. 10 (*no public comment*)
- Board of Commissioners public hearings - Nov. 23 and Dec. 2 (*to take public testimony*)

Public Information and Input Opportunities



- Information
 - Webpage: www.Clackamas.us/planning/marijuana.html
 - GovDelivery email list: <http://www.clackamas.us/govdoc.html> or click on *Get Email Updates* on any county webpage
- Input
 - In writing:
 - Email to sharig@Clackamas.us
 - Mail or drop-off to Shari Gilevich, Planning Division, 2nd Floor, Development Services Building, 150 Beaver Creek Rd., Oregon City, OR 97045
 - Testimony: at Planning Commission and Board of Commissioners public hearings

Tonight . . .



- Public Comment (*not* a land use hearing)
 - Opportunity for public to comment on marijuana land use issues in general
 - NOT a land use hearing on draft regulations
 - NOT time for County Commissioner deliberation

THANK YOU!

For more information:

www.Clackamas.us/planning/marijuana.html