



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(Revised: Feb. 2017)

Board Clerk Use Only

Meeting Date: 4/12/18
Agenda Item #: R.3
Est. Start Time: 9:50 am
Date Submitted: 4/5/18

Agenda Title: Ordinance Amending MCC Chapters 11.15.9105, 33.0560, 34.0560, 35.0560, and 36.0560 Relating to Sound Control Criteria for Marijuana Businesses and Declaring an Emergency

Requested Meeting: April 12, 2018 **Time Needed:** 15 minutes

Department: Community Services **Division:** Land Use Planning

Contact(s): Adam Barber, Senior Planner

Phone: 503.988.0168 **Ext.** 80168 **Email:** adam.t.barber@multco.us

Presenters: Adam Barber, Senior Planner; Michael Cerbone, Planning Director

General Information

1. What action are you requesting from the Board?

Conduct a public hearing and approve proposed amendments to Multnomah County Zoning Code Chapters 11.15.9105, 33.0560, 34.0560, 35.0560, and 36.0560. These amendments have been recommended to the Board for approval by Multnomah County's Planning Commission.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer(s) this action affects and how it impacts the results.

In 2016, Multnomah County adopted Marijuana Business regulations, which established standards for marijuana production, processing, wholesaling, dispensing and retailing in the unincorporated areas of the County (Ordinance 1232). Generally, these regulations identified appropriate base zones for various Marijuana Business activities; established setback, fencing, lighting, odor, and sound control requirements; and established other standards designed to balance business opportunities with the need to protect communities from off-site impacts.

The regulations adopted in 2016 prohibit a Marijuana Business in a Rural Residential (RR) zone from producing sound that is detectable at the property line; sound generated from a Marijuana Business in other zones must comply with the Multnomah County Sound Control Code (MCC 15.265 – 15.274) administered by the Multnomah County Sheriff's office.

Community members have raised concerns about Marijuana Business sound impacts outside of the Rural Residential zones. The proposed ordinance removes reference to the County Sound Control Code and instead extends the sound control standard for Marijuana Businesses in the Rural Residential zone to Marijuana Businesses in all other zones by

prohibiting Marijuana Businesses from producing sound detectable at or beyond the property line. The ordinance also clarifies the sound control standard, including defining what qualifies as a “detectable” sound.

3. Explain the fiscal impact (current year and ongoing).

None.

4. Explain any legal and/or policy issues involved.

The Multnomah County Land Use Planning Division will implement and enforce the proposed sound control standard for Marijuana Businesses in all zones.

Marijuana remains a Schedule I controlled substance under the federal Controlled Substances Act. As a result, nothing in this proposal *authorizes* any marijuana use or activity. Instead, the nature, extent, scope, and operation of what is referred to in this proposal as “Marijuana Businesses” are authorized and prescribed *solely* by state law and administrative rule. As such, the regulations proposed herein are purposefully limited to the imposition of *restrictions* on the operation of Marijuana Businesses for purposes of protecting and preserving the public health, safety and general welfare of the community. Accordingly, neither this proposal nor any other County act shall be interpreted as authorizing any person to engage in any activity prohibited by law nor shall this proposal or any other County act be applied in any manner that would authorize any person to engage in any activity prohibited by law.

This ordinance is appropriate for emergency adoption to address community concerns as quickly as possible.

5. Explain any citizen and/or other government participation that has or will take place.

The Planning Commission held a public hearing on April 2, 2018 during which all interested persons were given an opportunity to appear and be heard. The Planning Commission recommended adoption of this ordinance. Notice of the Planning Commission hearing was published in the Oregonian newspaper and on the website of the Multnomah County Land Use Planning Program. In addition, prior to the Planning Commission hearing on this ordinance, the County mailed notices to individual property owners as required by ORS 215.203 (commonly known as Ballot Measure 56 notice).

Required Signature

**Elected
Official or
Department
Director:**

Kim Peoples /s/

Date:

April 3, 2018