

BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. PC 2015-4551

Recommend to the Board of Commissioners the adoption of one or more ordinances amending the provisions for MCC Chapters 11.15, 33, 34, 35, 36 and 38 to impose regulations on Marijuana Business activities.

The Planning Commission Finds:

- a. The Planning Commission is authorized by Multnomah County Code Chapters 37.0710, 38.0710 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of Ordinances to amend the County Comprehensive Plan and land use regulations.
- b. In the November 1998 general election, Oregon voters passed Ballot Measure 67, the *Oregon Medical Marijuana Act*, which decriminalized medical marijuana under state law. In the November 2014 general election, Oregon voters passed Ballot Measure 91, the *Control, Regulation, and Taxation of Marijuana and Industrial Hemp Act*, which decriminalized recreational marijuana under state law. In Multnomah County, Measure 91 passed by a vote of 71.38% in favor (213,137) to 28.62% in opposition (85,474), with a voter turnout of 68.59%.
- c. The Oregon Liquor Control Commission adopted temporary Marijuana Business rules on October 22, 2015 to regulate the production, processing, wholesaling and retail sales of recreational marijuana. The rules regulate the various aspects of owning and operating a marijuana business in Oregon. This includes the OLCC license application process, residency requirements, compliance measures and various site requirements including regulation of canopy size, fencing, security and other health and safety measures. Beginning January 4, 2016, the OLCC began accepting license applications for marijuana business activities. The Oregon Health Authority is also engaged in rulemaking and is now in the process of adopting permanent rules governing medical marijuana growers, processors, and dispensaries.
- d. The Multnomah County Planning Commission recommended staff prepare an ordinance imposing reasonable time, place and manner restrictions to address potential health, safety and general community welfare impacts related to medical and recreational Marijuana Business activities.
- e. While the authority to impose land use regulations derives from the County's home rule authority and charter, this proposal capitalizes on the efficiency, including clarity to the public, gained by aligning the regulations herein with the framework set forth in state law and administrative rule with respect to the regulation of marijuana-related activities. Accordingly, this proposal contains regulations pertaining to both medical and recreational marijuana production (growing), medical and recreational processing, recreational wholesale, and medical marijuana dispensary and recreational retail business operations. Further, although the County has its own inherent power to "protect the health, safety and welfare of the citizens of this state" (see e.g., ORS 215.253(2)), the proposed regulations are intentionally designed to

fall within the category of those “reasonable regulations” (i.e., time, place, and manner) provided for in HB 3400.

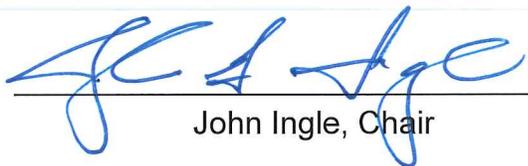
- f. Nothing in this proposal *authorizes* any marijuana use or activity. Instead, the nature, extent, scope, and operation of what is referred to in this proposal as “Marijuana Businesses” is authorized and prescribed *solely* by state law and administrative rule. As such, the regulations proposed herein are purposefully limited to the imposition of *restrictions* on the siting and 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.
- g. Regulations are being proposed that affect the permissible uses of property. Multnomah County mailed notices to individual property owners as required by state law (“Ballot Measure 56 notice”). Notice of the Planning Commission hearing was published in the Oregonian newspaper and on the Land Use Planning Program internet pages. The Planning Commission held a hearing on February 1, 2016 where all interested persons were given an opportunity to appear and be heard.

The Planning Commission resolves:

The proposed Ordinance(s) amending MCC Chapters 11.15, 33, 34, 35, 36 and 38 is hereby recommended for adoption by the Board of County Commissioners.

ADOPTED this 8th day of February, 2016

PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON



John Ingle, Chair