



City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Aquilla Hurd-Ravich, Community Development Director
Steve Koper, AICP, Planning Manager
DATE: January 27, 2020

SUBJECT:
Review of Tualatin's marijuana regulations (Development Code Chapter 80).

RECOMMENDATION:
Discussion only.

EXECUTIVE SUMMARY:
Background:

- State Ballot Measure 91 was passed in 2014, legalizing and regulating the production, processing and sale of marijuana in Oregon. Under state law, jurisdictions are allowed to apply "time, place, and manner" restrictions to marijuana facilities. Tualatin's "time, place, and manner restrictions" were adopted in 2015 (Ordinance No. 1379-15).

Current Status:

- Tualatin's "time, place, and manner" regulations on marijuana facilities are found in Chapter 80 of the Development Code.
- State law prohibits marijuana facilities within residential zones and within 1,000 feet of a school.
- Tualatin's siting standards applicable to marijuana facilities are summarized as follows:
 - Marijuana facilities (production, processing and retail sale) are limited to Industrial zoning districts (ML, MG, MBP).
 - Marijuana sales are not currently allowed in commercial or mixed use districts.
 - Marijuana facilities on a property can be located no less than 3,000 feet (measured property to property) from:
 - A residentially zoned property or property containing residential uses;
 - A property containing a school;
 - A property containing a park; and
 - The Tualatin City Library.
 - Marijuana facilities on a property can be located no less than 2,000 feet (measured property to property) from another property containing a marijuana facility.

Discussion

At the Council meeting on October 28, 2019, current marijuana regulations and a brief history were presented to the City Council. After hearing public comments, the Council directed that staff bring back information about the buffers that are currently in place. The question at the time was if the 3,000-foot buffer currently in code is reasonable. The other question raised was if the 2,000-foot buffer between marijuana facilities is reasonable. That question has a straightforward answer in that this regulation currently does not comply with state law, which regulates buffers between facilities at 1,000-feet. However, the question regarding the reasonableness of a 3,000-foot buffer is before you tonight for discussion.

Conclusion:

Based on tonight's discussion, does the Council desire to discuss this further, and if so, is there more information needed from staff?

ATTACHMENTS:

- Exhibit A: State Mandated Buffers
- Exhibit B: Existing 3,000 Foot Buffers
- Exhibit C: 2,000 Foot Buffers
- Exhibit D: 1,000 Foot Buffers
- Exhibit E: Presentation