



City of Tualatin

City Regulations of Marijuana Facilities

CITY COUNCIL MEETING
OCTOBER 28, 2019

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City Attorney

Overview

- Historical Outline
- City Marijuana Regulations
 - Zoning and Setbacks
 - Business Regulations
 - Residential Regulations
- Maps
 - Marijuana Facilities Allowed
 - State School Buffers
- Compare City Regulations to ORS 475B – HB 3400 (2015)



Historical Outline - 2013

□ August

- HB 3460 – Authorized Oregon Health Authority to License Medical Marijuana Dispensaries

□ December

- Council Requests Information to Consider Adopting City Regulations of Medical Marijuana Dispensaries



Historical Outline - 2014

□ Spring

- Council adopts Moratorium on Medical Marijuana Dispensaries until December 31, 2014
- Council Extends Moratorium to May 1, 2015
- Legislature Declines to Refer Recreational Marijuana to Ballot

□ Summer

- Measure 91 Qualifies for Ballot

□ Fall

- Council Approves 10% Tax on Recreational Marijuana and 5% Tax on Medical Marijuana
- Council Commissions Statistically Valid Survey
 - 62% Support Medical Marijuana
 - 53% Support Recreational Marijuana
 - +/-5.2% Margin of Error at 95% Confidence
- Oregon Voters Pass Measure 91
 - Legalize Recreational Marijuana at State Level



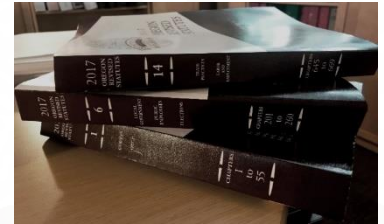
Historical Outline - 2015

□ March

- Council adopts Marijuana Regulations – TDC Chapter 80

□ June

- HB 3400 - Amends Measure 91 and OMMA
 - Referral Process to Locally Ban Marijuana
 - Referral Process to Tax Local Retail Sales of Marijuana
 - Allows Reasonable Time, Place, and Manner Restrictions
 - Prohibits Buffers Larger than 1,000 feet Between Facilities



□ September

- Staff Presents Options for Marijuana Tax and Modify Buffers
 - Council Refers Tax to Voters,
 - Declines to Modify Buffers

□ November

- Tualatin Voters Approve 3% Tax on Retail Sales of Marijuana

City Regulations

- Zoning and Setbacks
 - ▣ Location
- Business Regulations
 - ▣ Operation
- Residential Regulations
 - ▣ Delineation



City Regulations

□ Zoning and Setbacks

□ Permitted Zones:

- Light Manufacturing (ML)
- General Manufacturing (MG)
- Manufacturing Business Park (MBP)

□ Cannot locate within 3,000 feet of:

- Residential Areas
- Parks
- Schools
- Libraries

□ Cannot locate within 2,000 feet of another marijuana facility

□ Facility size cannot exceed 3,000 square feet



City Regulations

□ Business Regulations

□ No Colocation

□ Retail Sales

■ 10:00 a.m. and 8:00 p.m.

□ No drive-through

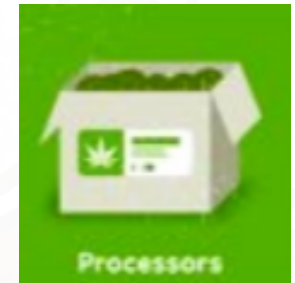
□ Edible Marijuana

■ Properly Labeled

■ Not Targeted to Children

■ Child-Resistant Packaging

□ Butane Extraction Prohibited



City Regulations

- **Residential Regulations**
 - May Grow Marijuana
 - Fully Screened on All Sides
 - Cannot Grow in Front Yard
 - Setbacks
 - 10 Feet from Property Lines
 - 25 Feet from Adjacent Residences
 - No Marijuana Extracts



Maps and State Law

□ Maps

□ Where Marijuana Facilities Allowed

■ Zoning

- 3,000 Foot Buffer from Residential Areas, Parks, Schools, and Libraries

□ School Buffers

- 1,000 Foot Buffer

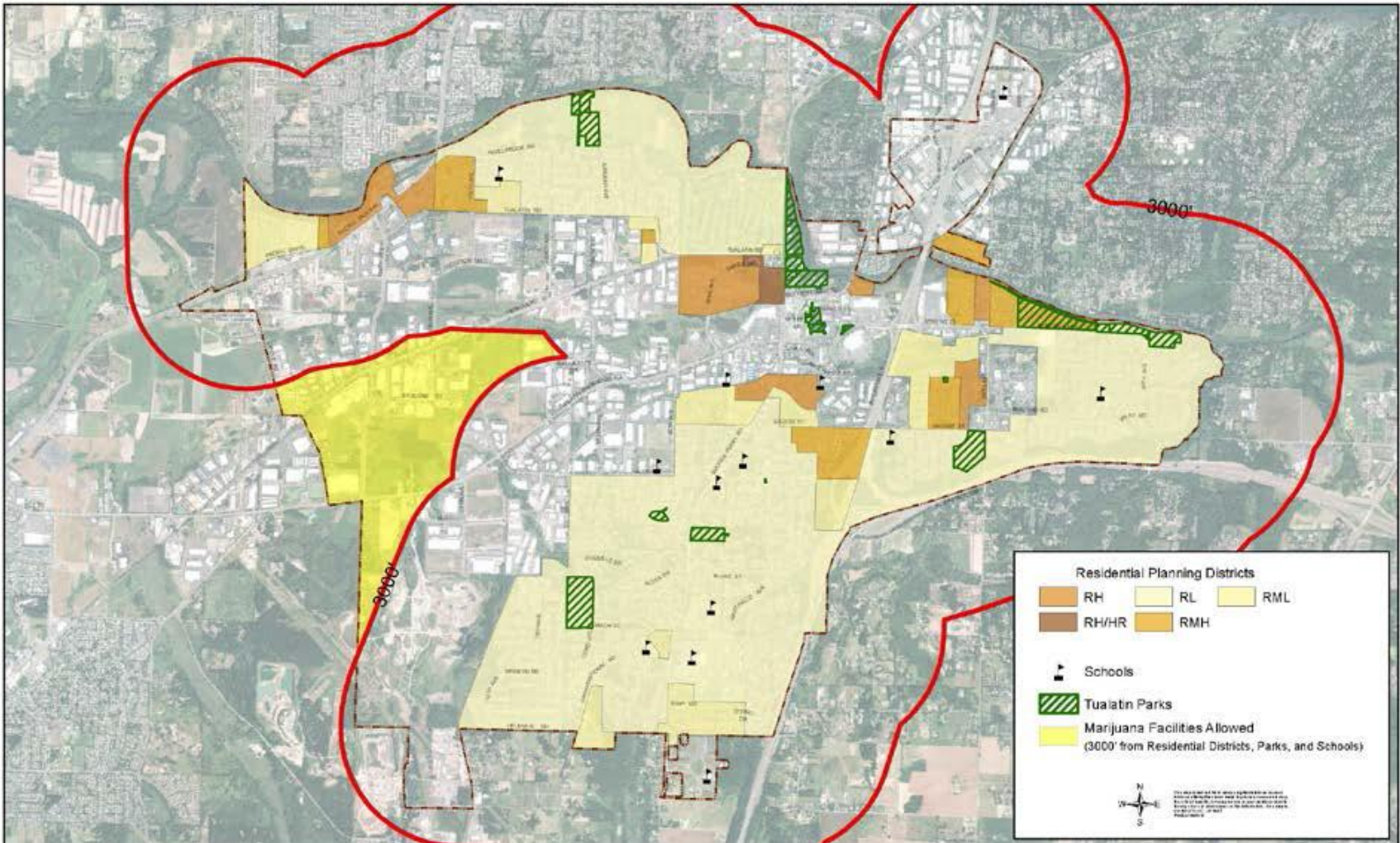
□ Compare State Law



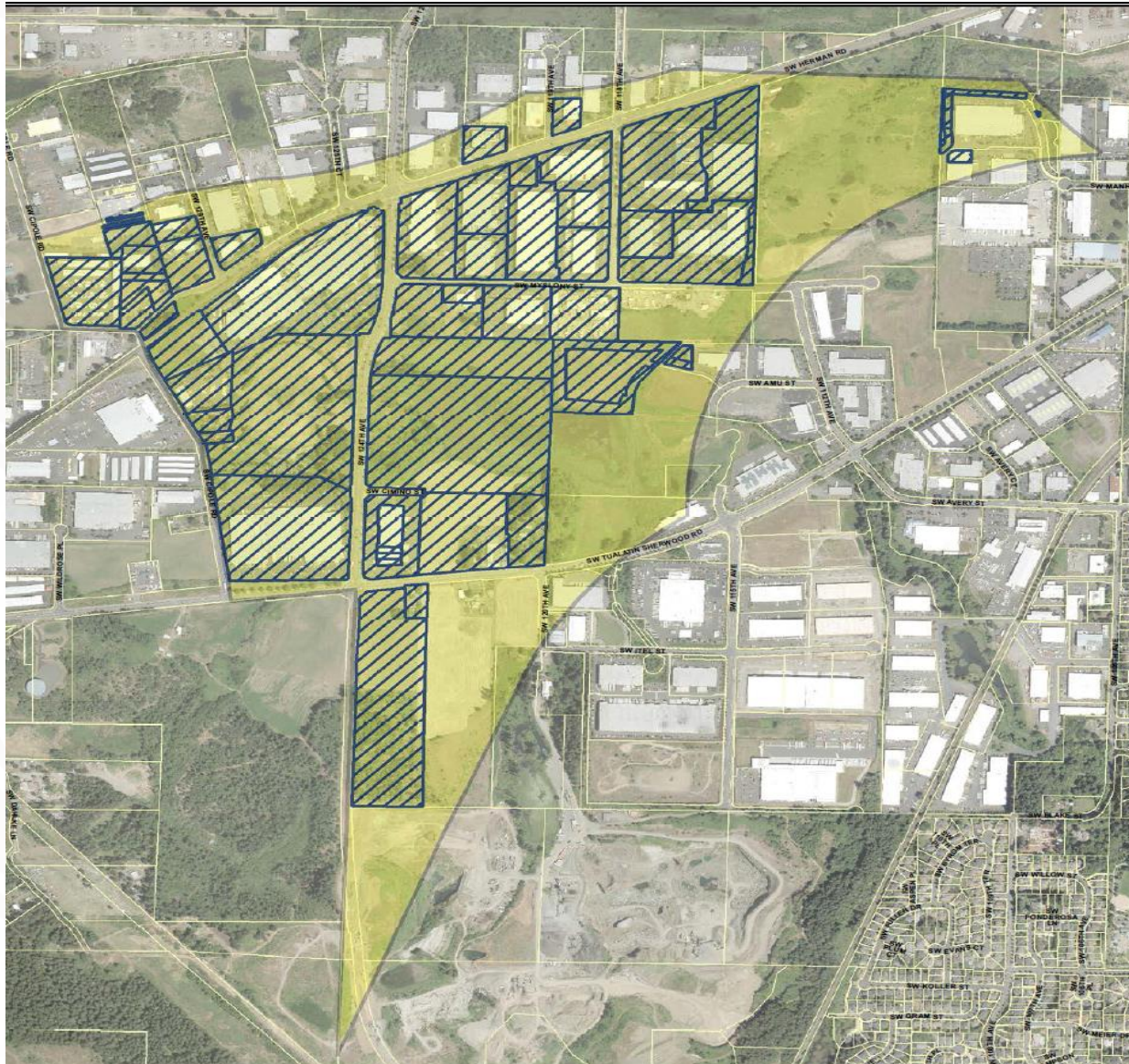
Marijuana Facilities Allowed

Zoning - 3000' from Residential Districts, Parks, & Schools

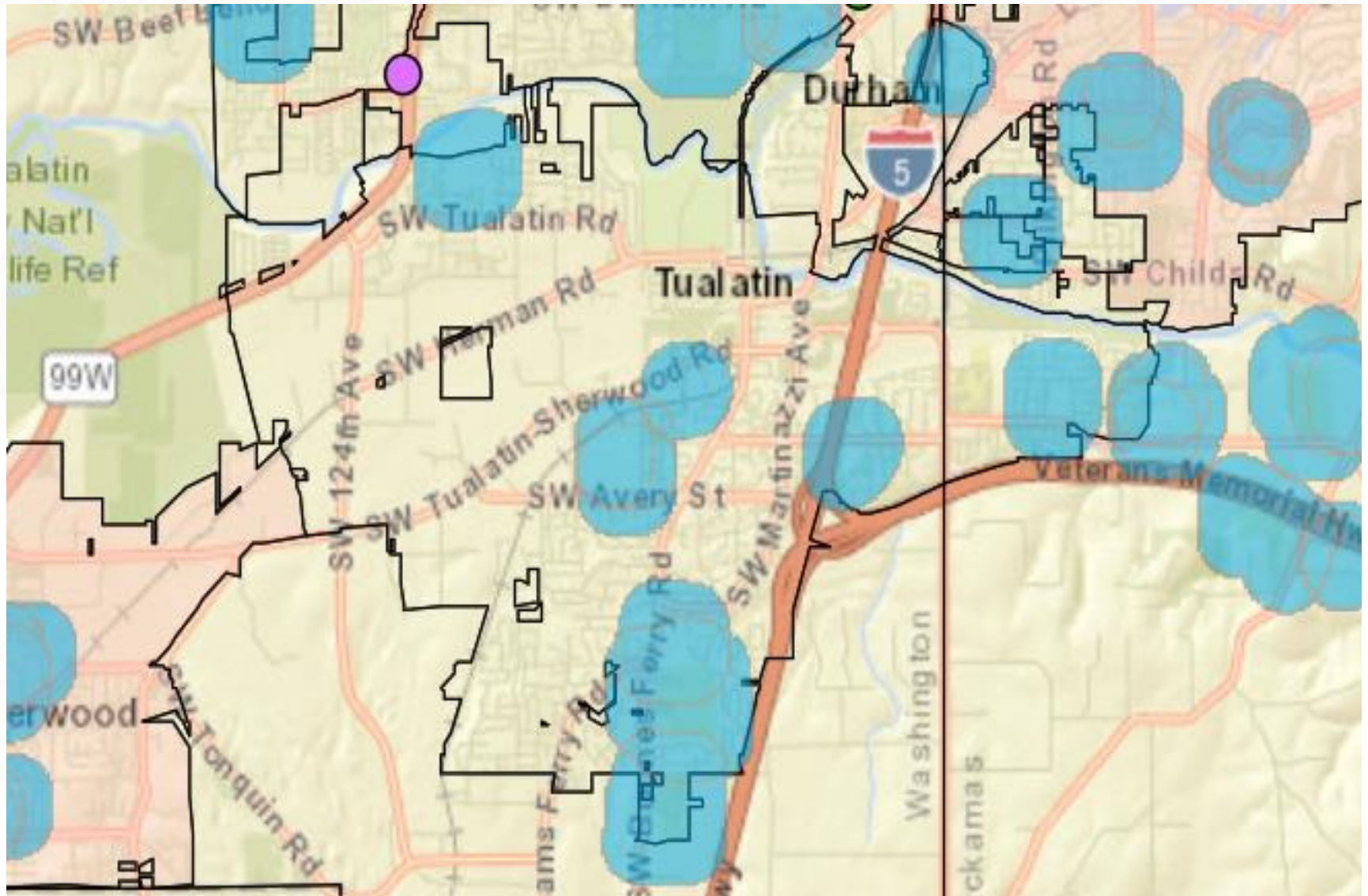
TUALGIS



Marijuana Facilities Allowed



School Buffers



Comparison to State Law

STATE LAW - ORS 475B

CITY REGULATIONS – TDC 80

Voter Referred Ban

No

Voter Referred 3% Retail Tax

Yes

Reasonable Time, Place, and Manner Regulations

Yes

- Production, Processing, and Wholesale
- Retail Sales
- Location
- Hours of Operation

- Zoning
- Buffers
- Business Regulations

1,000 Foot Buffer Between Marijuana Facilities

2,000 Foot Buffer

Preemption - ORS 475B.454

- State law is “paramount and superior to and fully replace[s] and supersede[s] any municipal charter amendment or local ordinance inconsistent with [State law].”
- Ordinances inconsistent with State law “are repealed.”

Legal Issues

- 2,000 Foot Buffer Between Facilities
- Reasonableness of 3,000 Foot Buffer from Residential Areas, Parks, Schools, and Libraries
- Home Rule

QUESTIONS AND DISCUSSION

