

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Amendment to the Development Code to Make Marijuana Dispensaries a Permitted Use in the General Commercial (GC), Community Service (CS), and Corridor Commercial (CC) Commercial Zoning Districts

**FOR AGENDA OF:** 10-21-14 **BILL NO:** \_\_\_\_\_

**Mayor's Approval:** \_\_\_\_\_

**DEPARTMENT OF ORIGIN:** CDD \_\_\_\_\_

**DATE SUBMITTED:** 10-15-14

**CLEARANCES:** City Attorney \_\_\_\_\_  
CAO \_\_\_\_\_  
Planning \_\_\_\_\_

**PROCEEDING:** PUBLIC HEARING

- EXHIBITS:**
1. Draft Ordinance
  2. Zone Map with Buffer
  3. Staff Report

**BUDGET IMPACT**

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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**RECOMMENDED ACTION:**

City Council conducts public hearing on proposed text amendment.

**HISTORICAL PERSPECTIVE:**

In the 2014 Legislative session, the Oregon Legislature passed and Governor Kitzhaber signed Senate Bill 1531, which allows medicinal marijuana dispensaries to be located in Oregon. SB 1531 also allows local jurisdictions to place additional "reasonable" regulations on the medicinal marijuana dispensary use, provided that the regulations are solely based on time (hours of operation), place (permitted zoning districts), and manner (methods of dispensation).

On April 22, 2014, the Beaverton City Council adopted Ordinance No. 4638, which placed a moratorium on the establishment of medicinal marijuana dispensaries in Beaverton for the purpose of allowing staff to draft appropriate local zoning regulations for that use. The moratorium is in effect until December 31, 2014.

The Planning Commission first considered local regulation for medical marijuana dispensaries at a work session on June 18, 2014. At that time, the Planning Commission discussed a range of local time, place, and manner regulations for medicinal marijuana dispensaries. The opinions of the Commissioners ranged from permitting the use in all non-residential zones subject only to State licensing regulations to permitting the use only in limited areas of the City.

The Commission held two public hearings on the proposed text amendment on August 6, 2014, and September 10, 2014. After considering the staff reports and public testimony, the Commission concluded that some additional local regulation on the use was appropriate. The additional regulations recommended by the Planning Commission were as follows:

1. The use may only be located in the GC (General Commercial), CS (Community Service), and the CC (Corridor Commercial) commercial zoning districts;

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2. The use must be 1,000 feet away from public recreational facilities operated by Tualatin Hills Park and Recreation District. A definition of recreational facilities was added by the Commission; and
3. The use may operate only between 7:00 AM and 10:00 PM and those hours of operation may not be extended through the Conditional Use process.

A presentation on the Planning Commission's recommendation was made to the City Council on October 14, 2014. After the presentation, the Council provided a number of comments on the Planning Commission recommended text and identified two changes that the Council wished to consider. The Council directed staff to conduct a public hearing at the Council's October 21, 2014, meeting to consider the changes to the Planning Commission recommended amendment.

**INFORMATION FOR CONSIDERATION:**

Senate Bill 1531 contains three time, place, and manner regulations for medicinal marijuana dispensaries. These regulations are:

1. The use may not be located in a residential zone.
2. The use must be 1,000 feet from elementary, secondary, or career schools attended primarily by minors; and
3. The use must be 1,000 feet from another medical marijuana facility.

At the October 14, 2014, presentation, the City Council suggested that two revisions be made to the Planning Commission recommended text amendment. First, remove the buffer from public recreational facilities operated by Tualatin Hills Park and Recreation District. Second, remove the word "medicinal" from the recommended text amendment and keep the use "marijuana dispensaries". The revised text amendment is attached to this agenda bill as are staff recommended findings to support the revised text amendment.