



**City of Sutherlin
Special Council Meeting
Monday, April 6, 2015
Civic Auditorium – 7:00 p.m.
AGENDA**

Mayor Todd McKnight
Council President Stone
Councilors Luzier, Anderson, Egbert, Boggs, and Meier

1. CALL TO ORDER / FLAG SALUTE

2. ROLL CALL

3. INTRODUCTION OF MEDIA

4. PUBLIC COMMENT

[The purpose of citizen comment is to allow citizens to present information regarding agenda items only. A time limit of three minutes per citizen shall apply.]

5. PUBLIC HEARING

a. Marijuana Dispensaries

6. ACTION ITEMS / GENERAL BUSINESS

a. Ordinance – Marijuana Dispensaries (first reading, title only)

7. PUBLIC COMMENT

[The purpose of citizen comment is to allow citizens to present information regarding items off the agenda. A time limit of three minutes per citizen shall apply.]

8. ADJOURN

Members of the audience who wish to address the Council will be invited to do so. Speakers must use the microphone stating their name and address prior to addressing the Council.



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Call to Order & Flag Salute





ROLL CALL





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Introduction Of Media





PUBLIC COMMENT

Agenda Items only





PUBLIC HEARING





Action Items and/or General Business





City of Sutherlin

STAFF REPORT					
Re: ORD NO. 1042 Marijuana Dispensary Ordinance				Meeting Date:	April 6th
Purpose:	Action Item <input checked="" type="checkbox"/>	Workshop <input type="checkbox"/>	Report Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Update <input type="checkbox"/>
Submitted By: David Doughman, City Attorney's Office				City Manager Review	<input type="checkbox"/>
Attachments: None					

WHAT IS BEING ASKED OF COUNCIL?

Council is asked to approve the first reading of Ordinance No. 1042 at its April 6 meeting. The Ordinance, if approved for a first reading on April 6, will be brought back to the Council for a second reading on April 13.

EXPLANATION

The ordinance places regulations on marijuana dispensaries. It permits them in the C-3 zone if the dispensary: (1) complies with state law; (2) closes after 10pm and remains closed until at least 7am; and (3) maintains at least a 1000 foot distance from the following uses: (a) other dispensaries; (b) schools, preschools and daycares; and (c) a residential zone. The council previously adopted a moratorium on medical marijuana dispensaries. The moratorium will expire on May 1, 2015. The ordinance contains an emergency clause to ensure the regulations will take effect May 1.

OPTIONS

After considering the planning commission's recommendation, the council should take any additional public testimony it believes is warranted. The council should close the hearing, deliberate and either: (1) approve the ordinance as drafted; (2) amend the ordinance; or (3) not approve the ordinance.

SUGGESTED MOTION(S)

"MOTION the council approve the first reading of Ordinance No. 1042 as presented."



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City of Sutherlin

NOTICE OF ORDINANCE ENACTMENT

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SUTHERLIN AMENDING TITLE
16 OF THE SUTHERLIN MUNICIPAL CODE RESTRICTING
MARIJUANA DISPENSARIES TO THE COMMUNITY COMMERCIAL
ZONE (C-3) AND DECLARING AN EMERGENCY**

**THIS ORDINANCE WILL BE CONSIDERED BY COUNCIL AT THE REGULAR
COUNCIL MEETING OF**

MONDAY, APRIL 6, 2015

Questions or copies of this Ordinance may be viewed by interested persons at the office of the Sutherlin City Recorder, 126 E. Central Avenue, Sutherlin, Oregon, between the hours of 9:00 a.m. and 5:00 p.m., weekdays. A copy of this Ordinance may be purchased by interested persons for a sum determined to cover the City's expense for providing the copy.

Pursuant to Section 30 [c] of the Sutherlin City Charter, this notice has been posted at the following locations: Sutherlin City Hall; Sutherlin Library; Sutherlin Post Office, Sutherlin Visitor Center and on the City's website at www.ci.sutherlin.or.us.

Posted this day, Monday, March 30, 2015

By Diane Harris, Deputy City Recorder/Administrative Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SUTHERLIN AMENDING TITLE 16 OF THE SUTHERLIN MUNICIPAL CODE RESTRICTING MARIJUANA DISPENSARIES TO THE COMMUNITY COMMERCIAL ZONE (C-3) AND DECLARING AN EMERGENECY.

WHEREAS, in accordance with Oregon law, Sutherlin adopted a moratorium on medical marijuana facilities (dispensaries) that will expire on May 1, 2015;

WHEREAS, beginning in January 2016, Oregon law will permit the sale of marijuana for recreational purposes in addition to medical purposes;

WHEREAS, Sutherlin may lawfully impose regulations on both medical and recreational marijuana sales.

NOW, THEREFORE, THE CITY OF SUTHERLIN ORDAINS AS FOLLOWS:

Section 1. Section 1.3 of Title 16 of the Sutherlin Municipal Code is amended to add the following definitions:

Medical Marijuana Dispensary – Any facility or operation designed, intended or used for purposes of delivering, dispensing, or transferring marijuana to Oregon Medical Marijuana Registry Identification Card holders pursuant to ORS 475.300-475.346.

Marijuana Retail Store – Any facility or operation designed, intended or used for purposes of selling marijuana items to a consumer.

Preschool – An educational program for children five years old or younger, where the children are enrolled on a regular basis and are typically in attendance for no more than four hours per day.

Section 2. Table 2.3.110 of Title 16 of the Sutherlin Municipal Code is amended to add the following use to the commercial category of uses:

Commercial	C-1	C-3
Marijuana dispensary	N	S

Section 3. A new subsection 2.3.140 is added to Title 16 of the Sutherlin Municipal Code as follows:

2.3.140 Medical Marijuana Dispensary or Marijuana Retail Store. A marijuana dispensary may not be located within 1000 feet of another marijuana dispensary nor within 1,000 feet of real property of a public or private elementary, secondary or career school, child care center or family child care provider, or a preschool. In addition, a marijuana dispensary may not be located within 1000 feet of a property zoned residential or otherwise lawfully used for residential purposes. The maximum hours of operation for the facility shall be 7:00 a.m. through 10:00 p.m. No mobile facility or services shall be authorized. The facility shall comply with all applicable parking, setback, signage and other property development standards of the C-3 Zone. In addition, the State of Oregon must license a marijuana dispensary before it may operate in Sutherlin and the dispensary owner or operator must maintain the license throughout its operation.

Section 4. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on May 1, 2015.

PASSED BY THE COUNCIL ON THE _____ DAY OF _____, 2015.

APPROVED BY THE MAYOR ON THIS _____ DAY OF _____, 2015.

Mayor, Todd McKnight

ATTEST:

City Recorder, Debra L. Hamilton, CMC



PUBLIC COMMENT





ADJOURNMENT

