

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 15-_____

AN ORDINANCE AMENDING THE TIGARD DEVELOPMENT CODE (TITLE 18) TO ESTABLISH REASONABLE TIME, PLACE, AND MANNER REGULATIONS FOR MARIJUANA FACILITIES. PROPOSED CHANGES INCLUDE NEW DEFINITIONS TO BE PLACED WITHIN CHAPTER 18.120 (DEFINITIONS); TEXT AMENDMENTS TO CHAPTER 18.210 (GENERAL ADMINISTRATIVE PROVISIONS) TO REMOVE A REQUIREMENT THAT DEVELOPMENT BE CONSISTENT WITH FEDERAL LAW; AND CREATION OF A NEW CHAPTER TO BE TITLED 18.735 (MARIJUANA FACILITIES) THAT WOULD LIMIT HOURS OF OPERATION, ESTABLISH LOCATION STANDARDS, REQUIRE EXTERIOR DESIGN REQUIREMENTS TO ENHANCE SECURITY, ESTABLISH OFF-SITE ODOR STANDARDS, AND CREATE AN ASSOCIATED REVIEW PROCEDURE.

WHEREAS, the Tigard City Council directed Planning Division staff to prepare amendments to the Tigard Community Development Code pertaining to the design, location and operation of marijuana businesses within the boundaries of the City; and

WHEREAS, amendments to the Tigard Community Development Code Chapter 18.210 would remove legal uncertainty and allow the City to conform to state statues regarding medical and recreational marijuana authorized under ORS 475.300 (Oregon Medical Marijuana Act) and Measure 91 (Control, Regulation, and Taxation of Marijuana and Industrial Hemp Act); and

WHEREAS, the purpose of creating Chapter 18.735 is to establish reasonable time, place, and manner restrictions to address the nuisance impacts that may be created by marijuana facilities, as specifically authorized by Oregon Medical Marijuana Act and the Control, Regulation, and Taxation of Marijuana and Industrial Hemp Act; and

WHEREAS, notice was provided to the Department of Land Conservation and Development at least 35 days prior to the first evidentiary public hearing; and

WHEREAS, notice of the public hearing was given in conformance with Community Development Code Chapter 18.390.060.D; and

WHEREAS, the Tigard Planning Commission held two duly noticed public hearings on January 12, 2015 and February 9, 2015 and recommended with a unanimous vote that Council approve the proposed code amendment, as amended; and

WHEREAS, the Tigard City Council held a public hearing on March 10, 2015, to consider the proposed amendment; and

WHEREAS, the Tigard City Council has considered the Planning Commission recommendation; and

WHEREAS, the Tigard City Council has considered the applicable Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197; any federal or state statutes or regulations found applicable; any applicable Metro regulations; any applicable Comprehensive Plan Policies; and any applicable provisions of the City's implementing ordinances; and

WHEREAS, the Tigard City Council has determined that the proposed development code amendment is consistent with the applicable review criteria, and unanimously approves amendments to the Tigard Community Development Code as being in the best interest of the City of Tigard.

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

SECTION 1: Council adopts the findings recommended by the Planning Commission as contained in the February 24, 2015 Staff Report to the City Council, included as "Exhibit A" to this Ordinance.

SECTION 2: Tigard Development Code (Title 18) is amended as shown in "Attachment 1 of Exhibit A - Marijuana Facilities Project - Planning Commission Recommendation"

SECTION 3: Council further adopts the findings and analysis contained in "Attachment 1 of Exhibit A" as additional legislative intent and the basis in support of the corresponding code amendments.

SECTION 4: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2015.

Carol Krager, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2015.

John L. Cook, Mayor

Approved as to form:

City Attorney

Date