



Eugene City Council

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AMENDED AGENDA

EUGENE CITY COUNCIL AGENDA

March 15, 2017

12:00 p.m. CITY COUNCIL WORK SESSION
Harris Hall
125 East 8th Avenue
Eugene, Oregon 97401

Meeting of March 15, 2017;
Her Honor Mayor Lucy Vinis Presiding

Councilors

Alan Zelenka, President
George Poling
Emily Semple
Claire Syrett

Mike Clark, Vice President
Greg Evans
Chris Pryor
Betty Taylor

Note: This agenda has been amended to reflect the addition of Item B and the reschedule of Item A: "Parks and Recreation System Plan Update" to a later date.

12:00 p.m. CITY COUNCIL WORK SESSION
Harris Hall, 125 East 8th Avenue

- A. WORK SESSION**
Separation of Retail Marijuana Businesses
- B. WORK SESSION**
House Bill 2669 Discussion

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

For more information, contact the Council Coordinator at 541-682-5010,
or visit us online at ***www.eugene-or.gov***.

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: Separation of Retail Marijuana Businesses

Meeting Date: March 15, 2017
Department: Planning & Development
www.eugene-or.gov

Agenda Item Number: A
Staff Contact: Mike McKerrow
Contact Telephone Number: 541-682-5288

ISSUE STATEMENT

State standards require medical marijuana dispensaries to have a 1000 foot separation from schools and other medical dispensaries. Recreational marijuana businesses require the same separation from schools but not from each other. Industry representatives recently requested Eugene adopt a 1000 foot separation requirement for new recreational marijuana businesses. State law allows cities to adopt separation standards for these uses as appropriate for their community.

BACKGROUND

When the state legislature approved medical marijuana dispensaries several years ago and more recently, recreational marijuana sales, Eugene's land use code was not modified. Both businesses are considered as "Specialty Store" in the land use code and are permitted in the C-1 Neighborhood Commercial, C-2 Community Commercial and C-3 Major Commercial zones. The Oregon Liquor Control Commission (OLCC) reviews and issues licenses for recreational marijuana sales. As part of the OLCC process Eugene staff reviews a land use compatibility application for each site to confirm the use is in a permitted zone.

Council requested a work session to receive the following information.

1. Review the number of retail stores in close proximity to each other and possible impacts.
2. Explore the influx of outside investors competing with local businesses and community revenue.
3. Compare Eugene's standards for these types of businesses with other Oregon cities.

The request for the work session included a proposed outcome of beginning the legislative process to establish a 1,000 foot buffer between new marijuana related businesses. The city also has received a request that a 1,000 foot buffer be created between a day care facility and a new marijuana related business.

Location and Impacts

Eugene currently has five medical marijuana dispensaries and 28 recreational marijuana businesses. Two business locations have both medical and recreational marijuana available. Fifteen of the 31 businesses are located closer than 1000 feet (approximately 2.5 blocks) from at least one other similar business. All of the businesses in close proximity are in the downtown area or near 6th and 7th Avenues east of Chambers.

State law prohibits use of marijuana products in public places which greatly reduces impacts from smoking. Impacts to the public walking by these businesses are not clearly evident.

Local Ownership

The legislative bill approved in 2015 to allow medical dispensaries required a majority of owners to be Oregon residents. However, in 2016, due to public testimony, legal issues and difficulties in determining compliance with the standard, the legislature rescinded this requirement. The City has no data available regarding local ownership of businesses. Neither the OLCC nor any of the Oregon cities researched for this discussion have ownership requirements or data readily available.

Other Oregon Cities

Staff researched local requirements for retail marijuana uses within other Oregon cities. That review shows that Eugene is not the only city in Oregon that has not adopted a separation requirement for recreational marijuana businesses. Land use codes for Corvallis, Salem and Medford are similar to Eugene allowing these businesses in numerous commercial zones. None of these jurisdictions have a local licensing program or separation requirements.

Salem adopted a stringent medical dispensary license process including background checks for business owners and employees at the start of the state program. Recently, the city council proposed a similar license process for recreational marijuana businesses. However, during the public hearing process, a theme emerged that the city was duplicating the state licensing program and local requirements weren't needed. Salem did not adopt standards for recreational sales and rescinded the existing program for medical dispensaries.

Portland has over 100 retail businesses and has a robust licensing program. An application is submitted to the Office of Neighborhood Involvement and requires personal history, security plan, marijuana control plan, business license certificate, state business registration, copy of commercial building permit and electrical permit for security alarm from the Bureau of Development Services, security alarm permit and copy of lease with written property owner consent. There is a 1000 foot separation requirement from other retail marijuana businesses. The application information is sent to the Police, Fire and Development Services Bureaus as well as the District Coalition Office, Neighborhood Association and Business Association. Property owners and occupants within 300 feet receive a public notice with notices posted near the proposed location prior to approval. Neighborhood Involvement staff inspect the site to verify compliance with applicable standards. The initial permit fees are about \$5,000 with an annual renewal fee of \$750.

Bend has 18 retail businesses with separation requirements of 1000 feet from each other. In addition, a 150 feet separation is required from developed parks and day care uses. The application process with \$600 application fee and annual review requires compliance with local zoning, systems development charges estimate, water and sewer analysis and building code review.

OLCC Exception

The City has approved two exceptions to the OLCC standard of at least 1000 feet between a retail marijuana business and a school. Recently another request for an exception ordinance has been received.

This work session provides an opportunity to clarify policy for exception requests. The State of Oregon allows a city to make an exception when the new medical or recreational marijuana business is at least 500 feet but less than 1000 feet from an elementary or secondary school and there is a physical barrier between the two uses (Senate Bill 1511).

In both previous exceptions, the Oregon Liquor Control Commission (OLCC) identified a nearby school when the business either already had a license or was significantly invested in the application process to obtain a license. Also, in both cases, an arterial street with at least 20,000 average daily traffic was the primary factor in creating a physical barrier between the school and the business.

Staff suggests using two criteria to be met before exception requests are discussed at the council level. Requests would only be considered if there is an arterial street with at least 20,000 average daily traffic between the school and the proposed business, and neither the applicant nor the OLCC was aware that a school was located within a 1000 feet of the proposed site at the time of application submittal. This policy would better reflect the intent of the SB 1511 exception process rather than allowing any exception request if the business was at least 500 feet from a school.

RELATED CITY POLICIES

Since Eugene's original zoning ordinance adoption in 1948, there has not been any minimum separation requirement in the land use code for any specific type of business, including adult related businesses.

The only City land use code standard relating to minimum separation requirements is a need for at least 200 feet between freestanding signs in some commercial and industrial zones.

COUNCIL OPTIONS

No council options at this time. Work session is informational.

CITY MANAGER'S RECOMMENDATION

There is no City Manager recommendation.

SUGGESTED MOTION

There is no suggested motion.

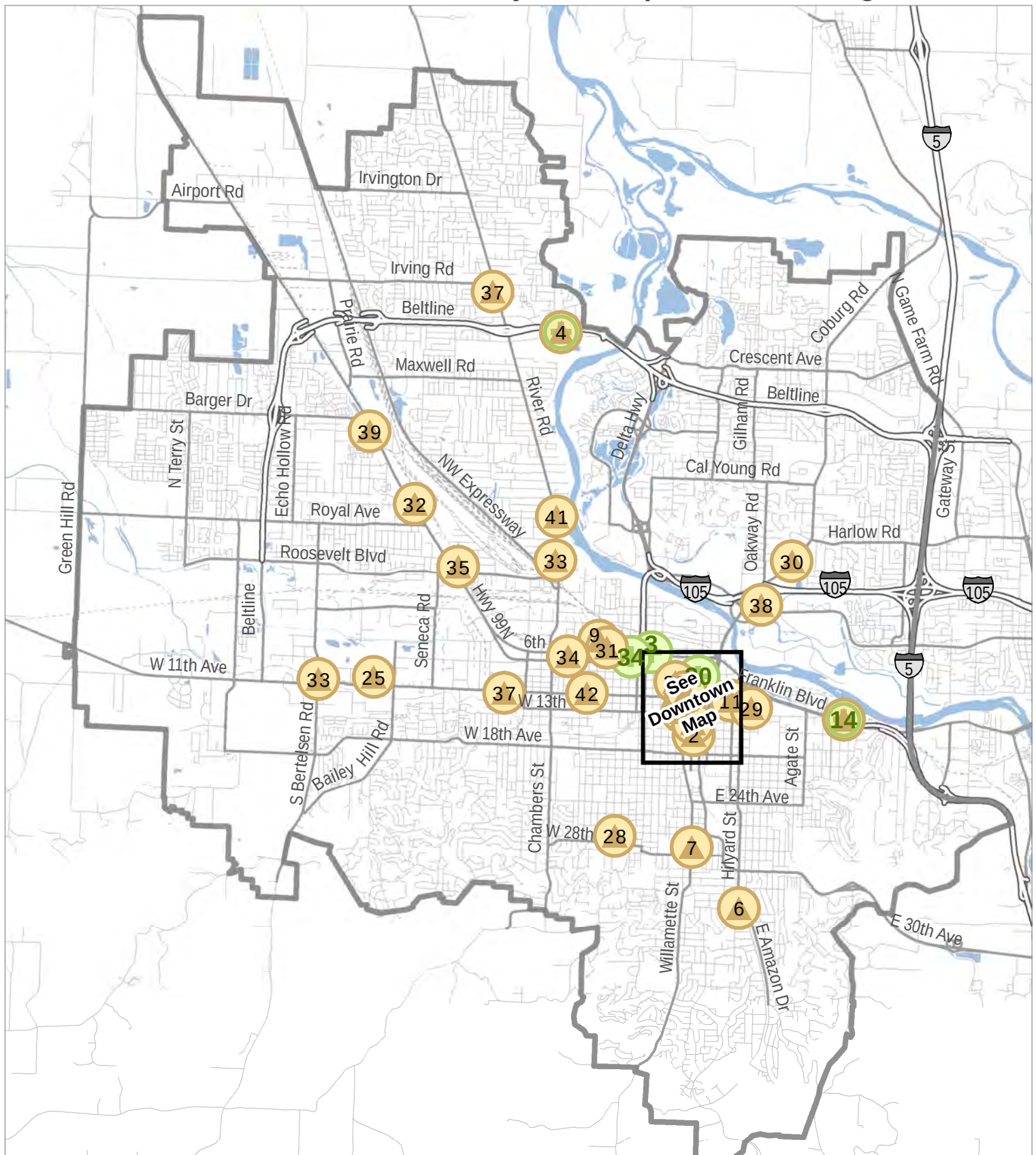
ATTACHMENTS

A. Map of Medical & Recreational Marijuana Dispensaries in Eugene

FOR MORE INFORMATION

Staff Contact: Mike McKerrow
Telephone: 541-682-5288
Staff E-Mail: mike.j.mckerrow@ci.eugene.or.us

Medical & Recreational Marijuana Dispensaries in Eugene



- ▲ Recreational Marijuana Dispensaries
- + Medical Marijuana Dispensaries
- 1,000 ft distance to dispensaries
- Eugene UGB

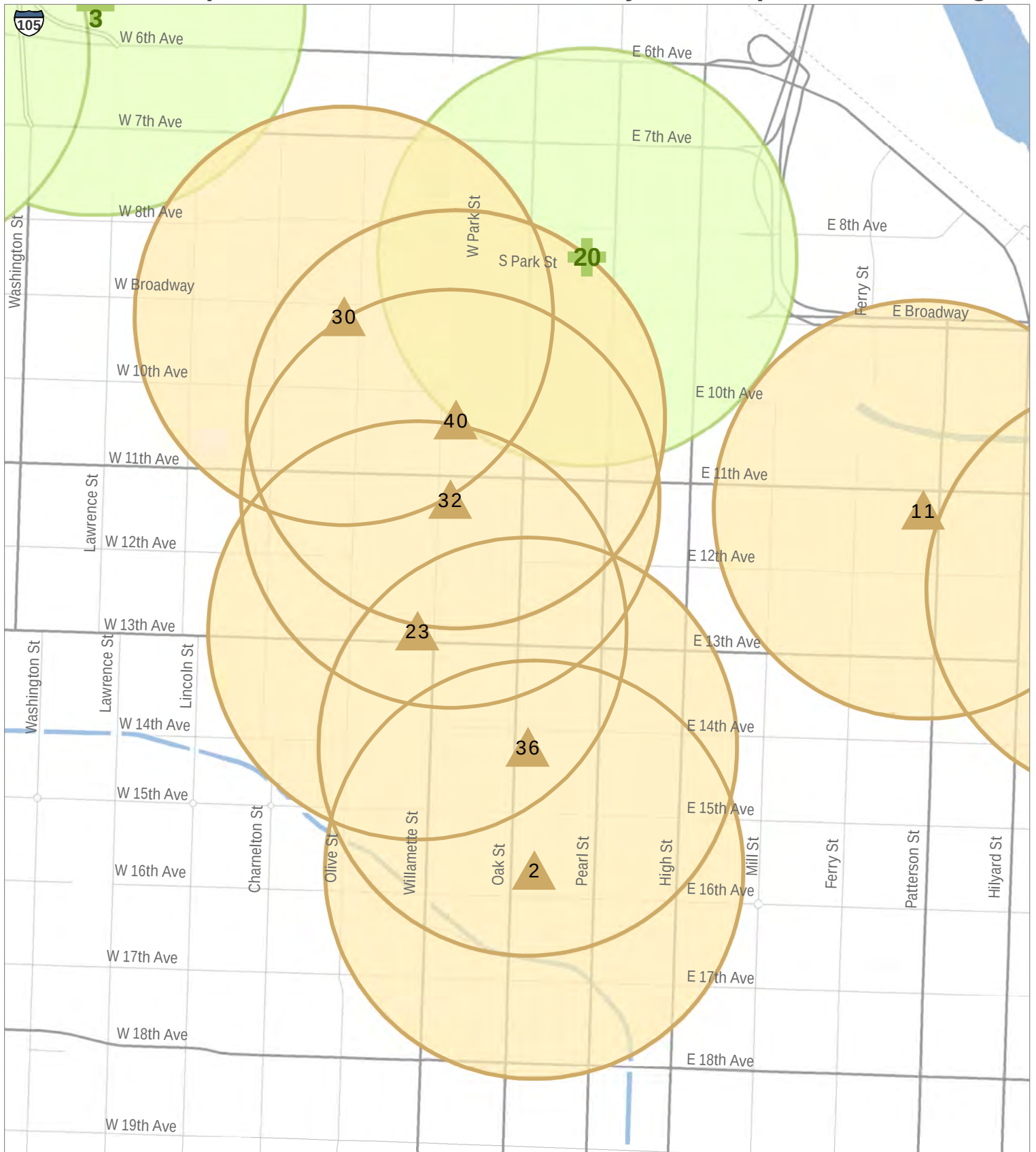
Map displays only Medical dispensaries that have waived confidentiality and consented for information to be public. There may be other dispensaries, but locations are confidential.

Data: Medical Marijuana Dispensaries: State of Oregon Health Authority 2/8/2017; Recreational Marijuana Dispensaries: OLCC 2/8/2017

City of Eugene PDD
March 1, 2017



Downtown Map: Medical & Recreational Marijuana Dispensaries in Eugene



- Recreational Marijuana Dispensaries
- Medical Marijuana Dispensaries
- 1,000 ft distance to dispensaries
- Eugene UGB



Map displays only Medical dispensaries that have waived confidentiality and consented for information to be public.
 There may be other dispensaries, but locations are confidential.
 Data: Medical Marijuana Dispensaries: State of Oregon Health Authority 2/8/2017; Recreational Marijuana Dispensaries: OLCC 2/8/2017

City of Eugene PDD
 February 28, 2017





Table to Accompany Maps

Medical Marijuana Dispensaries

Map Id	Name	Address
3	Oregon Medigreen	570 Lawrence St #112
4	The Herbal Connection, LLC	463 River Ave
14	Eugene OG	2045 Franklin Blvd
20	Hamiltonian Dynamics, Inc.	835 E Park St
34	Whiteaker Grange LLC	698 West 6th Avenue

Data: Contains only Medical dispensaries that have waived confidentiality and consented for information to be public. There may be other dispensaries, but locations are confidential. State of Oregon Health Authority, 2/8/2017

Recreational Marijuana Dispensaries (As of 2-3-2017)

Map ID	Name	Address
2	The Greener Side	1553 Oak St
4	The Herbal Connection, LLC	463 River Ave
6	Amazon Organics	3443 Hilyard St
7	Next Level Health, LLC	2837 Willamette St
9	Twenty After Four Wellness Center	420 Blair Blvd, Unit A
11	East 11th, Inc.	588 E 11th Ave
14	Eugene OG	2045 Franklin Blvd
23	Jamaica Joel's	37 W 13th Ave, Ste 201
25	Eugreen Health Center LLC	1000 Obie St, Ste A
28	Moss Crossing LLC	2751 Friendly St
29	Apothca	804 E. 12Th Avenue
30	Nodak Green Prairie	390 Coburg Rd
30	Flowr Of Lyfe	114 West Broadway
31	Glassroots*	980 West 5Th Ave
32	Hwy 99 Cannabis Company	1083B Hwy 99N
32	Eugreen Health Center	1111 Willamette St.
33	Sweet Tree Farms	4097 West 11Th Avenue
33	Nectar	340 River Road
34	Emerald City Medicinal	1474 West 6Th Avenue
35	Rare Earth Organics Llc	2699 Roosevelt Blvd
36	Frequent Vibrationz	1409 Oak St.
37	The Growers Guild Gardens Llc	2270 West 11Th Ave
37	Oregon'S Green Rush	2644 River Road #5
38	The People'S Wellness Center	71 Centennial Loop Suite B
39	TJ'S Provisions	1910 Empire Park Drive
40	TJ'S On The Alley	1027 Willamette Street
41	Terpene Station	645 River Rd Ste 3
42	Serra Eugene	1201 W. 11Th

*Licensees with an * will be active once notice of their Oregon Medical Marijuana Program registration has been surrendered and received by the OLCC. Data: Oregon Liquor Control Commission (OLCC) 2/8/2017