

**KLAMATH FALLS CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 3

Date: November 7, 2016

Department: Legal	Contact/Title: Joanna Lyons-Antley/City Attorney
Staff Presenter: Joanna Lyons-Antley	Telephone No.: 541-883-5323
City Manager Review:	Email: jlyons@klamathfalls.city

TOPIC: Ordinance Amending Klamath Falls Code Sections 7.250 and 7.255 and Adding Sections 7.252 and 7.253 Regarding Medical Marijuana Facilities – Second Reading

SUMMARY AND BACKGROUND:

At the last Council meeting, staff stated that the 1,000 feet from other medical marijuana facilities applied only to processors.

After review of the proposed ordinance, staff believes we need further clarification of the proposed ordinance. Attached to this second reading are the following amendments:

7.250 Locations of Medical Marijuana Facilities

- (1) A medical marijuana facility shall be located more than:
 - (a) 400 feet from any residential zone; and
 - (b) 1000 feet from the real property comprising a public or private college, junior college or university, public or private elementary, secondary or career school attended primarily by minors, public library, public park, recreation center or facility, licensed child care facility as defined by ORS 329A.250, public transit center or any game arcade where admission is not restricted to persons aged 21 years or older.
- (2) The distance shall be measured in a straight line from the closest edge of each property line.
- (3) Medical marijuana ~~facilities~~ dispensaries shall be at least 1000 feet from another medical marijuana ~~facility~~ dispensary.
- (4) Medical marijuana facilities shall only be developed in accordance with the provisions of the Community Development Ordinance, Chapters 10 through 14.

7.253 Medical Marijuana Processing Restrictions

- In addition to the state laws and regulations for medical marijuana processing:
- (1) No person may process or store medical marijuana products or concentrates in an area that can be readily seen by normal unaided vision from a public place.
 - (2) Medical Marijuana processing facilities must:
 - (a) Install and operate security systems intended to deter theft and other crimes.
 - (b) Limit access to regulatory agencies, licensed individuals and their employees.
 - (c) Located at least 1000 feet from another medical marijuana processor.**

Since state law prohibits medical marijuana dispensaries to be 1,000 feet from another medical marijuana dispensary, the amendment need to be changed only to include medical marijuana processors.

FINANCIAL IMPACT:

None.

COUNCIL OPTIONS:

1. Approve the proposed Ordinance.
2. Reject the proposed Ordinance.

DOCUMENTS ATTACHED:

- Proposed Ordinance
- Revised Overlay Map

RECOMMENDED MOTION/ACTION:

- Move to introduce the Ordinance by title for second reading
- Move to approve the Ordinance

NOTICE SENT TO:

N/A

ORDINANCE NO. 16-_____

ORDINANCE AMENDING KLAMATH FALLS CODE AMENDING SECTIONS 7.250 AND 7.255 AND ADDING SECTIONS 7.252 AND 7.253 REGARDING MEDICAL MARIJUANA FACILITIES

WHEREAS, Oregon House Bill 3400 amended the laws regarding medical marijuana and recreational marijuana; and

WHEREAS, under its home rule authority, the City desires to include medical marijuana processors in the definition of medical marijuana facilities and delete any references to state law; and

WHEREAS, the City wishes to include colleges in the 1,000 foot safe zone; and

WHEREAS, the City desires to maintain the requirement that all medical marijuana facilities must be at least 1000 feet from another medical marijuana facility; and

WHEREAS, the City desires to impose additional regulations on medical marijuana processing regulations for public view, security systems, and limiting access; and **NOW THEREFORE**,

THE CITY OF KLAMATH FALLS HEREBY ORDAINS AS FOLLOWS:

Section 1

Sections 7.250 and 7.255 of the Klamath Falls City Code shall be amended to read:

7.250 Locations of Medical Marijuana Facilities

- (1) A medical marijuana facility shall be located more than:
 - (a) 400 feet from any residential zone; and
 - (b) 1000 feet from the real property comprising a public or private college, junior college or university, public or private elementary, secondary or career school attended primarily by minors, public library, public park, recreation center or facility, licensed child care facility as defined by ORS 329A.250, public transit center or any game arcade where admission is not restricted to persons aged 21 years or older.
- (2) The distance shall be measured in a straight line from the closest edge of each property line.
- (3) Medical marijuana dispensaries shall be at least 1000 feet from another medical marijuana dispensary.
- (4) Medical marijuana facilities shall only be developed in accordance with the provisions of the Community Development Ordinance, Chapters 10 through 14.

7.255 Marijuana-Infused Products

- (1) A medical marijuana facility may not transfer any marijuana-infused product that is meant to be swallowed or inhaled, unless the product is packaged in child-resistant safety packaging.
- (2) A medical marijuana facility may not transfer any marijuana-infused product that is manufactured or packaged in a manner that is attractive to minors.

Section 2

Sections 7.252 and 7.253 are added:

7.252 Definitions

"Medical marijuana facility" means retail, production, processing, wholesaling, or other facility licensed under the state medical marijuana laws.

7.253 Medical Marijuana Processing Restrictions

In addition to the state laws and regulations for medical marijuana processing:

- (1) No person may process or store medical marijuana products or concentrates in an area that can be readily seen by normal unaided vision from a public place.
- (2) Medical Marijuana processing facilities must:
 - (a) Install and operate security systems intended to deter theft and other crimes.
 - (b) Limit access to regulatory agencies, licensed individuals and their employees.
 - (c) Located at least 1000 feet from another medical marijuana processor.

Passed by the Council of the City of Klamath Falls this ____ day of November, 2016.

Presented to the Mayor, approved and signed this ____ day of November, 2016.

Mayor

ATTEST:

City Recorder

STATE OF OREGON }
 COUNTY OF KLAMATH }ss.
 CITY OF KLAMATH FALLS }

I, _____, Recorder for the City of Klamath Falls, Oregon, do hereby verify that the foregoing is a true and correct copy of an Ordinance duly adopted by the Council of the City of Klamath Falls, Oregon at the meeting on the ____ day of November, 2016 and therefore approved and signed by the Mayor and attested by the City Recorder.

City Recorder

Allowable Lots in Industrial Zone

