

# CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

## Policy Session Worksheet

**Presentation Date:** July 11, 2017 **Approx Start Time:** 2:00 pm **Approx Length:** ½ hr

**Presentation Title:** Marijuana-Related Land Use Regulation Amendments

**Department:** Department of Transportation and Development

**Presenters:** Mike McCallister, Planning Director; Jennifer Hughes, Principal Planner

**Other Invitees:** Barb Cartmill, Director of DTD; Dan Johnson, Assistant Director of Development; Lindsey Nesbitt, Planning Manager

### **WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?**

The staff is seeking direction from the Board on how to proceed with the marijuana land use regulations proposed under File ZDO-264 and whether the Board wants to consider additional marijuana-related land use regulation amendments as part of the 2017-2018 Long Range Planning Work Program.

### **EXECUTIVE SUMMARY:**

Amendment of the county's marijuana-related land use regulations is a project included in the 2016-2017 Long Range Planning Work Program. The BCC held two study sessions on this topic last fall and directed staff to proceed with a narrowly defined set of amendments:

- Add fence design standards
- Allow the processing of marijuana concentrates and extracts in the EFU and AG/F zones, subject to certain standards
- Amend as needed to conform to changes in state law/regulations
- Make minor edits to increase clarity of existing regulations

With the exception of amendments to allow concentrate and extract processing in EFU and AG/F zones, the Board adopted the amendments on April 27, 2017, with an effective date of May 23, 2017.

The amendments specific to processing in EFU and AG/F zones were considered at public hearings on March 22 and May 17, 2017. At the conclusion of the second hearing, the Board voted 3-0 to allow marijuana concentrate processing in the EFU and AG/F zones and add the following standards for marijuana processing in these zones: 10-acre minimum lot size, 100-foot minimum setback for processing structures and only one processor per lot. The current prohibition on marijuana extract processing in the EFU and AG/F zones would remain. The Board considered adoption of the written

ordinance implementing these amendments during the Board business meeting on June 8, 2017. At that time, the Board discussed whether the 10-acre lot size should apply to a lot of record or a tract. Applying it to a tract, as was previously approved for marijuana grow sites, would allow a processor to use two or more contiguous lots of record under the same ownership to reach the 10-acre minimum. The Board requested a policy session to discuss this issue further before proceeding with ZDO-264.

In addition, the Board directed staff to schedule a policy session to discuss changes to the long range planning work program for 2017-2018 related to the McLoughlin Blvd. corridor and additional amendments to marijuana-related land use regulations. Regarding marijuana, the Board expressed interest in limiting the number of marijuana production licenses to one per lot. A separate policy session to discuss the work program as it relates to the McLoughlin corridor is scheduled prior to this policy session.

**FINANCIAL IMPLICATIONS (current year and ongoing):**

Is this item in your current budget?       YES       NO

ZDO-264 is in the adopted work program, and hence the budget, for the Planning and Zoning Division for the 2016-2017 fiscal year. A project to consider additional marijuana-related land use regulations is not in the adopted work program/budget for the 2017-2018 fiscal year.

What is the cost?    Unknown      What is the funding source?    General Fund

The cost is in staff time and mailing of public notice. The exact amount will depend on the scope of the amendments the Board wishes to consider and the amount of public interest that results.

**STRATEGIC PLAN ALIGNMENT:**

- **How does this item align with your Department’s Strategic Business Plan goals?** This item aligns with the Long Range Planning Program’s purpose statement to provide plan development (updates to the Comprehensive Plan, Transportation System Plan and Zoning & Development Ordinance), analysis, coordination and public engagement services to residents; businesses; local, regional and state partners, and County decision-makers so they can plan and invest based on a coordinated set of goals and policies that guide future development.
- **How does this item align with the County’s Performance Clackamas goals?** This item aligns with the county’s Performance Clackamas goal to *grow a vibrant economy* because the marijuana industry has the potential to create family wage jobs. This item also aligns with the county’s goal to *ensure safe, healthy and secure communities* by regulating an industry that may have negative effects on public health safety.

## **LEGAL/POLICY REQUIREMENTS:**

Amending the draft of Ordinance ZDO-264 to specify that the 10-acre minimum applies to a lot of record rather than a tract requires only direction to staff, who will make the change and reschedule the ordinance for adoption at a future Board business meeting. However, if the Board wishes to reconsider its oral approval of ZDO-264, it must reopen the public hearing and may need to allow additional testimony.

Amendments beyond the scope of ZDO-264 will require initiation of a new ZDO amendment package with public notice and hearings.

## **PUBLIC/GOVERNMENTAL PARTICIPATION:**

Required notice and hearings were already completed for ZDO-264. However, if the Board wishes to reconsider its oral approval of ZDO-264, it must reopen the public hearing and may need to allow additional testimony.

Any new amendments the Board wishes to initiate will require various types of public notice (e.g., newspaper, Oregon Department of Land Conservation and Development, community planning organizations, cities in the county). Individual mailed property owner notice is required if the proposal includes the restriction or prohibition of a use of land. The degree to which property owner notice is required will depend upon the scope of the proposal. A proposal to limit the number of marijuana production licenses per lot in the natural resource zones would require mailed notice to approximately 13,000 property owners because approval of the amendment would restrict a currently permitted use of land.

## **OPTIONS:**

1. Direct staff to schedule Ordinance ZDO-264 for adoption as previously presented on June 8, 2017.
2. Direct staff to revise Ordinance ZDO-264 to apply the 10-acre standard to a lot of record rather than a tract and schedule it for adoption.
3. Direct staff to reopen the public hearing to allow the Board to consider denial or substantial revision of ZDO-264.
4. In addition to one of the above options, amend the 2017-2018 Long Range Planning Work Program to include a project to further amend the county's marijuana-related land use regulations. Identify the scope of the proposed amendments.

**RECOMMENDATION:**

Staff recommends Option 1 or Option 2.

**SUBMITTED BY:**

Division Director/Head Approval \_\_\_\_\_

Department Director/Head Approval \_\_\_\_\_

County Administrator Approval \_\_\_\_\_

For information on this issue or copies of attachments, please contact Jennifer Hughes at 503-742-4518 or [jenniferh@clackamas.us](mailto:jenniferh@clackamas.us)