

ORDINANCE NO. 5014

An Ordinance amending Chapter 17.64.040(a)(6) (marijuana related activities – performance standards) of the McMinnville Zoning Ordinance to add a reference to the Oregon Administrative Rule definition of “school”, and to delete the reference to “state licensed preschool”.

RECITALS:

The McMinnville City Council adopted Ordinance 5000 on December 22, 2015, that, in part, established that medical marijuana dispensaries and/or commercial recreational facilities may not be located within 1,000 feet of a state licensed preschool; and

The term “state licensed preschool” lacks clear definition in State law and Oregon Administrative Rule. Accordingly, the ability to administer and enforce this particular provision of Chapter 17.64 of the McMinnville Zoning Ordinance is compromised and left open to challenge; and

That on June 14, 2016, the City Council directed the Planning Department to initiate a legislative process to consider modifying Chapter 17.64 of the McMinnville Zoning Ordinance (ORD No. 3380) to remove the term “state licensed preschool”; and

The draft amendment to Chapter 17.64 was presented to the Planning Commission at a public work session held on September 15, 2016. The Commission indicated support for the proposed amendment in addition to adding an Oregon Administrative Rule (OAR) reference relative to the definition of “school” and directed staff to schedule a public hearing on the proposed amendments; and

The draft amendments to Chapter 17.64 were presented to the Planning Commission at a public hearing held on October 20, 2016, after due notice had been published in the “News Register” and after due notice was provided to the Oregon Department of Land Conservation and Development (DLCD) not less than 35 days prior to the first evidentiary hearing. No public testimony was provided at the public hearing in response to the proposed changes; and

That following the close of the public hearing and subsequent deliberation, the Commission voted unanimously to forward a recommendation to the City Council for approval of the proposed amendments to Chapter 17.64 of the McMinnville Zoning Ordinance as presented by staff.

Now Therefore, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

1. The provisions set forth in the Attached Exhibit 1, which are incorporated by this reference, are hereby adopted.
2. That this Ordinance shall take effect on December 8, 2016.

Passed by the Council this 8<sup>th</sup> day of November, 2016, by the following votes:

Ayes: Hill, Jeffries, Menke, Ruden, Yoder

Nays: \_\_\_\_\_

Approved this 8<sup>th</sup> day of November, 2016.



COUNCIL PRESIDENT

ATTEST

Approved as to Form:

  
CITY RECORDER  
CITY ATTORNEY

Exhibit 1

**PROPOSED AMENDMENTS TO THE MCMINNVILLE MUNICIPAL CITY CODE**

New proposed language is represented by **bold underline font**, deleted language is represented by ~~strikethrough font~~.

Section 17.64.040(6) (Marijuana Related Activities – Performance Standards).

Medical marijuana dispensaries and/or commercial recreational facilities may not be located within 1,000 feet of the following:

- a ~~Public, private or parochial elementary or secondary~~ School **as defined by OAR 333-008-1110(2)**.
- b. McMinnville public library, community center, or aquatic center.
- ~~c—State licensed preschool.~~