

RESOLUTION No. 2015-3177

A RESOLUTION INITIATING AN AMENDMENT TO THE NEWBERG DEVELOPMENT CODE ADDING MEDICAL MARIJUANA DISPENSARIES AS AN ALLOWED USE IN SOME COMMERCIAL ZONING DISTRICTS, NOT ALLOWING THEM IN OTHER ZONING DISTRICTS, AND ESTABLISHING 1000-FOOT BUFFERS AROUND SCHOOLS AND PARKS WHERE DISPENSARIES WOULD NOT BE ALLOWED

RECITALS:

1. On March 19, 2014, Senate Bill 1531 was signed into law. SB 1531 gives local governments the ability to impose certain regulations and restrictions on the operation of medical marijuana dispensaries, including the ability to impose a moratorium for a period of time up until May 1, 2015. Newberg enacted such a moratorium on April 7, 2014.
2. The City Council would like to consider a development code amendment that would allow medical marijuana dispensaries in some commercial zoning districts, not allow them in other zoning districts, and establish a 1000-foot buffer around schools and parks where dispensaries would not be allowed.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

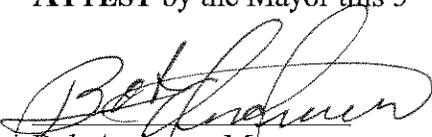
1. The City Council initiates an amendment, as shown in Exhibit "A", to the Newberg Development Code that could potentially allow medical marijuana dispensaries in some commercial zoning districts, not allow them in other zoning districts, and require 1000-foot buffers around schools and parks where dispensaries would not be allowed. Exhibit "A" is by this reference incorporated.
2. By initiating this amendment, the Council does not commit to take any particular action on the amendment, but will consider potential amendments through a public hearing process. The proposed code amendment would be sent to the Planning Commission for a public hearing and recommendation, and then return to the City Council for a public hearing and decision.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: February 3, 2015.

ADOPTED by the City Council of the City of Newberg, Oregon, this 2nd day of February, 2015.


Sue Ryan, City Recorder

ATTEST by the Mayor this 5th day of February, 2015.


Bob Andrews, Mayor

**Exhibit A to Resolution 2015-3177
Potential Development Code Amendment Draft**

**Note: Existing text is shown in regular font.
Added text is shown in double-underline
Deleted text is shown in ~~strikethrough~~.**

Section 1. Newberg Development Code Section 15.05.030 shall be amended as follows:

15.05.030 Definitions

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“Medical marijuana dispensary” means a medical marijuana facility registered by the Oregon Health Authority and in compliance with all other provisions of Oregon law.

“School, primary or secondary category” means a category of uses under Chapter 15.303 NMC that includes public and private schools, secular or parochial, at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education primarily to minors.

“School, career” means any private proprietary professional, technical, business or other school instruction, organization or person that offers any instruction or training for the purpose or purported purpose of instructing, training or preparing persons for any profession at a physical location attended primarily by minors.

Section 2. Newberg Development Code Section 15.305.020 shall be amended as follows:

15.305.020 Zoning use table

15.305.010 Classification of uses.

The zoning use table under NMC 15.305.020 identifies the land uses that are allowed in the various zoning districts. The specific land use categories are described in Chapter 15.303 NMC. The table identifies each use as one of the following:

- P Permitted Use. The use is a permitted use within the zone. Note that the use still may require design review, building permits, or other approval in order to operate.
- C Conditional Use. A conditional use permit is required for the use. See Chapter 15.225 NMC.
- S Special Use. The use is subject to specific standards as identified within this code. The applicable section is included in the last column of the table.
- (#) A note indicates specific limits on the use. These notes are listed at the bottom of the table.
- X Prohibited Use. The use is specifically prohibited.

If none of the codes above are indicated, then the use is not permitted within the zone. [Ord. 2763 § 1 (Exh. A § 6), 9-16-13.]

15.305.020 Zoning use table.

Newberg Development Code – Zoning Use Table

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards	
420	COMMERCIAL SALES AND RENTALS																				
421	Retail sales – General						P (20)	P (15) (21)	P			P (23)									
422	Retail sales – Bulk outdoor							P	C			P									
423	Retail sales – Convenience						P (20)	P (21)	P			P (24)			P(25)						
Def.	Temporary merchant							S	S (21)												NMC 5.15.050 et seq.
	<u>Medical marijuana dispensary</u>							<u>P (35)</u>	<u>P (35)</u>												

Notes.

(35) Shall not be located at the same address as a state-registered marijuana grow site, or within 1,000 feet of the real property comprising a public park, a public or private primary, elementary, secondary or career school, or within 1,000 feet of another medical marijuana dispensary.

Attachment 1. Map of 1000-foot buffers around schools and parks

