



NOTICE OF PUBLIC MEETING
CITY OF ALBANY
SPECIAL CITY COUNCIL WORK SESSION
Council Chambers
333 Broadalbin Street SW
Monday, November 2, 2015
7:15 p.m.

Revised

AGENDA

OUR MISSION IS

*"Providing quality public services
for a better Albany community."*

OUR VISION IS

*"A vital and diversified community
that promotes a high quality of life,
great neighborhoods, balanced
economic growth, and quality public
services."*

Rules of Conduct for Public Meetings

1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the meeting.
2. Persons shall not testify without first receiving recognition from the presiding officer and stating their full name and residence address.
3. No person shall present irrelevant, immaterial, or repetitious testimony or evidence.
4. There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the meeting.

7:15 p.m. CALL TO ORDER

7:15 p.m. ROLL CALL

7:20 p.m. Marijuana Regulations and Local Options – Sean Kidd [Pages 2-6]
Action Requested: Information, discussion, direction.

8:30 p.m. BUSINESS FROM THE PUBLIC

9:00 p.m. BUSINESS FROM THE COUNCIL

9:15 p.m. ADJOURNMENT

City of Albany Web site: www.cityofalbany.net

The location of the meeting/hearing is accessible to the disabled. If you have a disability that requires accommodation, advanced notice is requested by notifying the City Manager's Office at 541-917-7508, 541-704-2307, or 541-917-7519.

OPTION A

- **do nothing**

Considerations:

1. The areas shown on the map are where recreational facilities could locate on or after January 4, 2016. However, the City could place additional time, place manner regulations on facilities such as to not allow them to be located within 1000 feet of each other. (The OLCC has been silent on the location restrictions between medical dispensaries and recreational facilities but the City could adopt reasonable restrictions there as well). These regulations would obviously impact this map.
2. City would share in tax revenue through July 2017 based on population and then based on number of licenses thereafter. Cities are allocated 10% of all taxes collected. So, for example, if 5 million dollars was collected in taxes from marijuana in Oregon during this period, \$500,000 would be divided up between cities (counties receive another 10%).
3. The City could adopt an ordinance banning recreational facilities after November 2016 to be placed on a future ballot (and those facilities would not be grandfathered in).
4. Allowing facilities, the City may choose to put the 3% tax on the November 2016 ballot. The state will impose a 17% tax and has authorized local governments to place up to an additional 3% on top subject to referral to the voters.

OPTION B

- **rescind current ban on medical dispensaries selling recreation marijuana and then adopt ordinance banning recreational facilities**

Considerations:

1. You will be able to see how early sales impact the city relating to enforcement (basically a track record will be established, good or bad.). If things are going badly you could then ban early sales again prior to December 31, 2015 without a vote of the people. If things are running smoothly, you could rescind the ban of recreational marijuana and remove it from the ballot.
2. Because you adopted an ordinance banning recreational facilities that will go on the November 2016 ballot, you will no longer be able to share in the taxes generated from early sales (25%). So you will have sales, those sales will be taxed, but the tax money will go to other jurisdictions (some of which likely banned early sales).
3. If the voters adopt the ban, all sales will end by December 31, 2016. If they vote against the ban, dispensaries will be able to open as soon as applications are processed. It would be a good idea to have reasonable time, place manner regulations in place prior to November 2016 if using this option.

OPTION C

- **amend AMC 5.08.025 and 5.08.026 to remove industrial exception and define how we measure and include all uses (not just sales) as well as define boundaries. (no ban on recreational facilities only time place manner restrictions)**

Considerations:

1. The areas shown on the map are where recreational facilities (or other types of marijuana uses) could locate if (for example) the industrial exception was removed from the AMC, thereby requiring at least 300 feet from any residential zoning.
2. You may want to amend the AMC to define residential zoning (ex. Any property that contains residential zoning). Additionally, you may choose to define how the property lines are measured. (Ex. From the nearest boundary of property A to the nearest boundary of property B). As an example, the state currently measures from the nearest boundary of a school to the nearest boundary of a facility “building” dispensing medical marijuana). You may choose to regulate hours of operation, odor, noise background checks, security, signs inspection and more. Many of these areas are covered by the new 78 pages of OLCC rules adopted last month.
3. The City would share in the tax revenue from sales of marijuana. After July 1, 2017, that amount will be based 50% of the number of retail licenses and 50% on the number of producer, processor and wholesaler licenses in the City.
4. Allowing facilities, the City may choose to put the 3% tax on the November 2016 ballot. The state will impose a 17% tax and has authorized local governments to place up to an additional 3% on top subject to referral to the voters.

OPTION D

- **adopt ban on recreational facilities (or any number of other uses) and do not rescind ban on medical dispensaries.**

Considerations:

1. No marijuana sales anywhere in the City prior to the November 2016, election. OLCC will not process applications in cities or counties who have adopted a ban until the vote so you will effectively have a moratorium on sales until November 2016.
2. No immediate rush on time, place, manner restrictions (but the City will want to begin working through those in the event that the ban is voted down in November 2016. If that happens, the applications would likely start being processed immediately).
3. Because you adopted an ordinance banning recreational facilities that will go on the November 2016 ballot, you will no longer be able to share in the taxes generated from early sales (25%). So you will have sales, those sales will be taxed, but the tax money will go to other jurisdictions (some of which likely banned early sales).
4. The City would share in the tax revenue from sales of marijuana. After July 1, 2017, that amount will be based 50% of the number of retail licenses and 50% on the number of producer, processor and wholesaler licenses in the City.

OPTION E

- refer question to voters in November 2016 without adopting ban now.

Considerations:

1. Medical dispensaries will still be prohibited from early sales. Sales would likely not occur in Albany prior to late summer or early fall 2016. City would, however, begin receiving letters of compliance prior to that time on incoming applications.
2. The City would share in the tax revenue from early sales of marijuana until a ban was voted on by the voters (if any).
3. Because the City has not imposed a ban, time, place and manner regulations would want to be considered immediately as the City will be receiving requests from OLCC regarding land use and zoning compliance. Another option would be to amend AMC 5.08 as discussed above.
4. This option allows time for the VOTERS to evaluate how sales are going (if any, but not much time). If the voters choose to ban marijuana sales (or other related activities) then all of the new businesses would be required to cease operations with the exception of any *medical* dispensary or producer already licensed...no grandfathering here.
5. There is the risk of the City being sued, however the chances of success by a negatively impacted facility is low. Basically, anyone who chose to move forward with a retail facility prior to November 2016 would be doing so at their own risk.
6. THIS OPTION PRESENTS A POTENTIAL SEPARATE ISSUE THAT I AM ATTEMPTING TO GET CLARIFICATION FROM THE LEAGUE OF OREGON CITIES TODAY (FRIDAY) OR BY END OF BUSINESS MONDAY AT THE LATEST THAT I WILL DISCUSS MONDAY NIGHT.