CITY OF DUNES CITY, LANE COUNTY, OREGON

RESOLUTION SERIES 2017, NO. 17 (09/13/2017)

Effective Date: 09/13/2017

A RESOLUTION APPROVING REFERRAL TO THE ELECTORS OF THE CITY OF DUNES CITY THE QUESTION OF BANNING MEDICAL MARIJUANA PROCESSING SITES, MEDICAL MARIJUANA DISPENSARIES, RECREATIONAL MARIJUANA PRODUCERS, RECREATIONAL MARIJUANA PROCESSORS, RECREATIONAL MARIJUANA WHOLESALERS, AND RECREATIONAL MARIJUANA RETAILERS WITHIN THE CITY OF DUNES CITY.

WHEREAS, Oregon Revised Statutes (ORS) 475B.800 provides that a City Council may adopt an Ordinance to be referred to the electors of the City prohibiting the establishment of certain state-registered and state-licensed marijuana businesses in the area subject to the jurisdiction of the City; and

WHEREAS, the City Council of Dunes City adopted Ordinance No. 245 on September 13, 2017, which prohibits the establishment of marijuana processing sites, medical marijuana dispensaries; marijuana producers; marijuana processors; marijuana wholesalers; marijuana retailers; and any combination of the entities described in this paragraph, in the area subject to the jurisdiction of the City, except those entities that have already obtained Land Use Compatibility Statement approvals; and

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE FOREGOING, THE DUNES CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

MEASURE. A measure election is hereby called for the purpose of referring to the electors of the City of Dunes City, Ordinance 245, an ordinance prohibiting the establishment of certain marijuana activities in the area subject to the jurisdiction of the City. Ordinance 245 is incorporated herein by this reference.

ELECTION CONDUCTED BY MAIL. The measure election shall be held in the City of Dunes City on November 6, 2018, the time set for the next general election. As required by ORS 254.465, the measure election shall be conducted by mail by the County Clerk of Lane County, according to the procedures adopted by the Oregon Secretary of State.

DELEGATION. The City of Dunes City authorizes the City Administrator or other appropriate City official or designee, to act on behalf of the City and take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.

PREPARATION OF BALLOT TITLE. The City Council hereby adopts the ballot title attached as Exhibit 1.
NOTICE OF BALLOT TITLE AND RIGHT TO APPEAL. Upon receiving the ballot title for this measure the City Elections Officer shall publish in the next available edition of a newspaper of general circulation in the City a notice of receipt of the ballot title, including notice that an elector may file a petition for review of the ballot title.

EXPLANATORY STATEMENT. The explanatory statement for the measure, which is attached hereto as Exhibit 2 and incorporated herein by reference, is hereby approved.

FILING WITH COUNTY ELECTIONS OFFICE. The City Elections Officer shall deliver the Notice of Measure Election to the County Clerk for Lane County for inclusion on the ballot for the November 6, 2018 general election.

EFFECTIVE DATE. This resolution is effective upon adoption.


Ayes: 4 Nays: 1 Abstain: _____ Absent: _____ Vacant: 1

SHELDON MEYER, Council President

ATTEST:

Jamie Mills, City Administrator/Recorder
EXHIBIT 1  
DUNES CITY RESOLUTION SERIES 2017, NO. 17 (9/13/2017)  

BALLOT TITLE  

Prohibits certain marijuana registrants and/or licenses in Dunes City.  

QUESTION  

Shall Dunes City prohibit medical marijuana processors, medical marijuana dispensaries, recreational marijuana producers, processors, wholesalers, and retailers in Dunes City?  

SUMMARY  

State law allows operation of registered medical marijuana processors, medical marijuana dispensaries and licensed recreational marijuana producers, processors, wholesalers, and retailers. State law provides that a City Council may adopt an ordinance to be referred to the voters to prohibit the establishment of any of those registered or licensed activities.

Approval of this measure would prohibit the establishment and operation of medical marijuana processors, medical marijuana dispensaries, recreational marijuana producers, processors, wholesalers, and retailers within the area subject to the jurisdiction of the City, provided that state law allows for continued operation of medical marijuana processor and medical marijuana dispensaries already registered, or in some cases, that have applied to be registered, and that have successfully completed a local land use application process.

If this measure is approved, the City will be ineligible to receive distributions of State marijuana tax revenues and will be unable to impose a local tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated.
EXHIBIT 2
DUNES CITY RESOLUTION SERIES 2017, NO. 17 (8/24/2017)

EXPLANATORY STATEMENT

Approval of this measure would prohibit the establishment and operation of certain marijuana activities within the City.

ORS 475B.400 to 475B.525 provides that the Oregon Health Authority will register medical marijuana processors and medical marijuana dispensaries. Medical marijuana processors compound or convert marijuana into concentrates, extracts, edible products, and other products intended for human consumption and use. Medical marijuana dispensaries facilitate the transfer of marijuana and marijuana products between parties, caregivers, processors, and growers. ORS 475B.005 to 475B.399 provides that the Oregon Liquor Control Commission will license recreational marijuana producers (those who manufacture, plant, cultivate, grow or harvest marijuana), processors, wholesalers, and retailers.

A City Council may adopt an ordinance prohibiting the establishment of any of those entities within the City, but the Council must refer the ordinance to the voters at a statewide general election. The City Council of Dunes City has adopted Ordinance No. 245 on August 24, 2017, prohibiting establishment of marijuana processing sites, medical marijuana dispensaries, marijuana producers, marijuana wholesalers and marijuana retailers within the City and, as a result, has referred this measure to the voters.

If approved, this measure would prohibit medical marijuana processors, medical marijuana dispensaries, recreational marijuana producers, processors, wholesalers, and retailers within the City. Medical marijuana processors and medical marijuana dispensaries that were registered with the State before the City Council adopted the ordinance, and medical marijuana dispensaries that had applied to be registered on or before July 1, 2015, can continue operating in the City even if this measure is approved if those entities have successfully completed a local land use application process.

Approval of this measure has revenue impacts. Currently ten percent of state marijuana tax revenues will be distributed to cities to assist local law enforcement in performing their duties under ORS 475B.760(2). If approved, this measure would make the City ineligible to receive distributions of state marijuana tax revenues.

Currently, under ORS 475B.345, a City may impose up to three percent tax on the sale of marijuana items by a marijuana retailer in the City. However, a City that adopts an ordinance prohibiting the establishment of medical marijuana processors, medical marijuana dispensaries, or recreational marijuana producers, processors, wholesalers, or retailers may not impose a local tax or fee on the production, processing, or sale of marijuana or any product into which marijuana has been incorporated. Approval of this measure would therefore prevent the City from imposing a local tax on those activities.