



CITY OF LA PINE CITY COUNCIL MEETING SPECIAL SESSION AGENDA

Wednesday, January 15, 2020

4:30 PM Special Session

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

1. Call to Order
2. Establish Quorum
3. Pledge of Allegiance
4. Public Comments
Three minutes per person; when asked to the podium, please state your name and whether you live within La Pine city limits.
5. Ordinance 2019-10 (second reading) – Action Item
An ordinance of City of La Pine amending Ordinance No. 2015-02 and Ordinance No. 2016-10, which ordinances establish time, place, and manner regulations concerning medical marijuana dispensaries and recreational marijuana businesses, respectively, to amend the dispensary and business location restrictions; and declaring an emergency.
6. Appointment of Teri Myers to Planning Commission – Action Item
7. Adjourn Meeting

Pursuant to ORS 192.640, this notice includes a list of the principal subjects anticipated to be considered or discussed at the above-referenced meeting. This notice does not limit the ability of the City Council to consider or discuss additional subjects. This meeting is subject to cancellation without notice. The regular meeting is open to the public and interested citizens are invited to attend. Council may not take formal actions in Work Sessions. The public will not be permitted to attend the executive session; provided, however, representatives of the news media and designated staff will be allowed to attend the executive session. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the executive session as previously announced. No decision will be made in the executive session. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to City Hall at (541-536-1432). For deaf, hearing impaired, or speech disabled dial 541-536-1432 for TTY.



CITY OF LA PINE

STAFF REPORT

Meeting Date: January 15, 2020
TO: La Pine City Council
FROM: Melissa Bethel, Staff & City Attorney
SUBJECT: Ordinance Amending the Time, Place and Manner Regulations

TYPE OF ACTION REQUESTED (Check one):

- | | | | |
|-------------------------------------|-------------------------|-------------------------------------|------------------|
| <input type="checkbox"/> | Resolution | <input checked="" type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | No Action – Report Only | <input type="checkbox"/> | Public Hearing |
| <input checked="" type="checkbox"/> | Formal Motion | <input type="checkbox"/> | Other/Direction: |

Councilors:

For your approval and adoption is Ordinance No. 2019-10, which ordinance amends the City of La Pine's time, place, and manner regulations concerning marijuana businesses to (a) clarify the dispensary and business location restrictions, and (b) ensure that City's measurements are uniformly applied and consistent with applicable Oregon law.

This item was presented and voted on during your December 11, 2019 meeting. The vote was 3-1 in favor of the Ordinance. Since the vote was not unanimous a second vote is required for passing the Ordinance.

Suggested Motion: (roll call vote)

I move that the City of La Pine approve and adopt Ordinance No. 2019-10, an ordinance of City of La Pine amending Ordinance No. 2015-02 and Ordinance No. 2016-10, which ordinances establish time, place, and manner regulations concerning medical marijuana dispensaries and recreational marijuana businesses, respectively, to amend the dispensary and business location restrictions; and declaring an emergency.

ORDINANCE NO. 2019-10

AN ORDINANCE OF CITY OF LA PINE AMENDING ORDINANCE NO. 2015-02 AND ORDINANCE NO. 2016-10, WHICH ORDINANCES ESTABLISH TIME, PLACE, AND MANNER REGULATIONS CONCERNING MEDICAL MARIJUANA DISPENSARIES AND RECREATIONAL MARIJUANA BUSINESSES, RESPECTIVELY, TO AMEND THE DISPENSARY AND BUSINESS LOCATION RESTRICTIONS; AND DECLARING AN EMERGENCY.

WHEREAS, City of La Pine (“City”) has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant or allow an Oregon municipal corporation; and

WHEREAS, on April 8, 2015, City adopted Ordinance No. 2015-02 (the “OM TPM Ordinance”), as amended by Ordinance No. 2017-02 and Ordinance No. 2019-02, to establish certain time, place, and manner regulations concerning medical marijuana dispensaries; and

WHEREAS, on October 12, 2016, City adopted Ordinance No. 2016-10 (the “OR TPM Ordinance”), as amended by Ordinance No. 2017-09 and Ordinance No. 2019-02, to establish certain time, place, and manner regulations concerning recreational marijuana producers, processors, wholesalers, laboratories, and retailers; and

WHEREAS, the La Pine City Council (the “Council”) desires to amend the OM TPM Ordinance and OR TPM Ordinance to (a) clarify the dispensary and business location restrictions, and (b) ensure that City’s measurements are uniformly applied and consistent with applicable Oregon law.

NOW, THEREFORE, the City of La Pine ordains as follows:

1. Findings; Definitions. The above-stated findings are hereby adopted. For purposes of this Ordinance No. 2019-10 (this “Ordinance”), the term “Medical TPM Ordinance” means the OM TPM Ordinance, Ordinance No. 2017-02, and Ordinance No. 2019-02, collectively; the term “Recreational TPM Ordinance” means the OR TPM Ordinance, Ordinance No. 2017-09, and Ordinance No. 2019-02, collectively.

2. Purpose. The purpose of this Ordinance is to amend the OM TPM Ordinance and OR TPM Ordinance to (a) clarify the dispensary and business location restrictions, respectively, and (b) ensure that City’s measurements are uniformly applied and consistent with applicable Oregon law.

3. Amendment No. 1. The definition of “Premises” contained in Section 3 of the OM TPM Ordinance is amended to read in its entirety as follows:

““Premises” means (a) all public and private enclosed areas at the location that are used in the business operated at the location, including, without limitation, offices, kitchens, restrooms, and storerooms, and (b) all areas outside the building that are licensed and/or registered (or proposed to be specifically licensed and/or registered) under applicable Oregon law.”

4. Amendment No. 2. Section 5.4 of the OM TPM Ordinance is amended to read in its entirety as follows:

“5.4 Dispensary Location Restrictions. The premises of a dispensary must not be located (a) at the same address as a medical marijuana processor and/or medical marijuana producer except as permitted under Section 6.4(a) of Ordinance No. 2017-02, (b) within 1,000 feet of the real property comprising a public or private elementary, secondary, and/or career school attended primarily by minors, (c) within 750 feet of the real property comprising a public library, (d) within 500 feet of the real property comprising a licensed or certified “child care facility” as defined under ORS 329A.250, (e) within 1,000 feet of the premises of another dispensary, (f) within 1,000 feet of the premises of a recreational marijuana retailer, and/or (g) in any area and/or zone not expressly permitted under City’s land use code (including, without limitation, the La Pine Development Code, Ordinance No. 2018-06, as amended). For purposes of this Section 5.4, “within 1,000 feet”, “within 750 feet”, or “within 500 feet” means a straight line measurement in a radius extending for 1,000 feet or less, 750 or less, or 500 feet or less (as applicable) in every direction from the closest point on the boundary line of the real property or premises, as applicable, of the applicable conflicting use identified in this Section 5.4.”

5. **Amendment No. 3.** A new definition of “Premises” is added to Section 3 of the OR TPM Ordinance to read as follows:

““Premises” means (a) all public and private enclosed areas at the location that are used in the business operated at the location, including, without limitation, offices, kitchens, restrooms, and storerooms, and (b) all areas outside the building that are licensed and/or registered (or proposed to be specifically licensed and/or registered) under applicable Oregon law.”

6. **Amendment No. 4.** Section 6.9 of the OR TPM Ordinance is amended to read in its entirety as follows:

“6.9 Business Location. The premises of a retailer must not be located (a) at the same address as any other business except as permitted under Section 6.4(a) of this Ordinance, (b) within 1,000 feet of the real property comprising a public or private elementary, secondary, and/or career school attended primarily by minors, (c) within 750 feet of the real property comprising a public library, (d) within 500 feet of the real property comprising a licensed or certified “child care facility” as defined under ORS 329A.250, (e) within 1,000 feet of the premises of another retailer, (f) within 1,000 feet of the premises of a medical marijuana dispensary, and/or (g) in any area and/or zone not expressly permitted under City’s land use code (including, without limitation, the La Pine Development Code, Ordinance No. 2018-06, as amended). For purposes of this Section 6.9, “within 1,000 feet”, “within 750 feet”, or “within 500 feet” means a straight line measurement in a radius extending for 1,000 feet or less, 750 or less, or 500 feet or less (as applicable) in every direction from the closest point on the boundary line of the real property or premises, as applicable, of the applicable conflicting use identified in this Section 6.9.”

7. **Miscellaneous.** This Ordinance is hereby made part of the Medical TPM Ordinance and Recreational TPM Ordinance, as applicable. The provisions of the Medical TPM Ordinance and

Recreational TPM Ordinance that are not amended or modified by this Ordinance remain unchanged and in full force and effect. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended. The provisions of this Ordinance are hereby declared severable. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the Council to cure editorial and/or clerical errors. Nothing contained in this Ordinance affects the validity of any criminal or civil enforcement actions commenced prior to the adoption of this Ordinance; all City ordinances existing at the time that such actions were filed will remain valid and in full force and effect for purposes of those actions.

8. Emergency Declaration. The Council finds that passage of this Ordinance is necessary for the immediate preservation of the peace, health, and safety of City's citizens. Therefore, an emergency is hereby declared to exist. This Ordinance will be in full force and effect upon its passage and adoption by the Council and signing by the mayor.

This Ordinance was PASSED and ADOPTED by the La Pine City Council by a vote of ___ for and ___ against and APPROVED by the mayor on this 11th day of December, 2019.

Daniel Richer, Mayor

ATTEST:

Melissa Bethel, City Manager



CITY OF LA PINE

STAFF REPORT

Meeting Date: January 15, 2020
TO: La Pine City Council
FROM: Melissa Bethel, Staff
SUBJECT: Appointment of Planning Commission member Teri Myers

TYPE OF ACTION REQUESTED (Check one):

- | | | | |
|-------------------------------------|-------------------------|--------------------------|------------------|
| <input type="checkbox"/> | Resolution | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | No Action – Report Only | <input type="checkbox"/> | Public Hearing |
| <input checked="" type="checkbox"/> | Formal Motion | <input type="checkbox"/> | Other/Direction: |

Councilors:

Recently, Planning Commission member Jane Gillette moved outside the City leaving an opening on the Planning Commission. The City posted the opening in August of 2019 and has had only one application; Teri Myers. Planning Commissioners serve 3-year terms.

Motion:

I move the City Council approve the appointment of Teri Myers to Planning Commission effective immediately for a term ending on December 31, 2022.

Please see dates on page 1

When: _____ Organization: Park + Rec
Type of Organization: LPRD & LaPine Park & Rec Foundation
Address: LP Phone Number: 541
Role: _____

Describe activities and achievements: grant writer -
clerk from 2009 to 2019 august

When: started fundraising 2004 Organization: Habitat

Type of Organization: builds homes for affordable living
Address: _____ Phone Number: 543-5005

Role: feed the crews on builds for past 8+ years

Describe activities and achievements: Represent the Habitat folks @ SR Golf events
+ just help keep them happy w lunches

Other information/References

How did you hear about this position? at City Council mtg

Do you have any neighbors, friends, or relatives presently working for the City of La Pine? Yes No. If yes, please

list: Jake Obrist is friend thru my sister's family

- References:
- Name: Ann Gawich ^{RL} Chamber/Vistor ^{Number:} [redacted] 2004
 - Name: Karen Miller ^{RL} LPRD ^{Number:} [redacted] 2011
 - Library Name: Martha Lawler ^{RL} Advisory ^{board} ^{Number:} [redacted] 2003/4

My signature affirms that the information contained in this application is true to the best of my knowledge. I understand and agree that any misrepresentation and/or omission of facts are cause for my removal from the board, committee, or commission to which I am appointed to. I further understand and agree that City policy requires disclosure of actual or potential conflicts of interest by persons appointed by the City Council to any committee. All information and/or documentation related to service on this board, committee or commission is subject to public records law disclosure, except as otherwise provided under applicable law.

Signature: Teri Myers-Newcomb Date: 12-6-19

Printed Name: Teri Myers-NEWCOMB = Teri Myers



City of La Pine

Advisory Committee Application

RECEIVED
DEC - 6 2019
BY:

Which Committee would you like to apply for? Please check as many as are applicable.

- Urban Renewal Agency Board
- Planning Commission
- Public Works Committee
- City of La Pine Budget Committee (must be a City Resident)
- Urban Renewal District Budget Committee (must be a City Resident)

General Information

Name: Jeri Myers

Address: [REDACTED]

City: La Pine State: Or Zip Code: 97739 Phone Number: [REDACTED]

Email Address: [REDACTED]

Do you reside within the city limits of La Pine? yes!

Statement indicating reason you would like to serve on this voluntary board, committee, or commission: I have

a great sense of what La Pine should consider if they want to support growth in our City - and the potential employees that need good housing

Special skills, interest, and/or hobbies that you believe would bring value to your ability to serve on this board, committee, or commission: 20 years of service to the La Pine community

at library, Habitat, Park and Rec, Chamber of commerce and more

Current Occupation: -Chamber and grant writer for 3 orgs, and Visitor Center

Volunteer History
Other volunteer committee, board, or commission experience: (see above) → 2004-2016 + again now

Habitat since 2004 library 2004-2009 + friend of library

Chamber since 2004 Park and Rec since 2000 + back to 1976

When: 2000 to now Organization: see above

Type of Organization: community centered -

Address: _____ Phone Number: _____

Role: board clerk, grant writer - fundraiser - meals for Habitat

Describe activities and achievements: Community Service Award - Chamber 2017

Here are dates