

ORDINANCE NO. 2017-04

AN ORDINANCE AMENDING ORDINANCE NOS. 2012-05, 2015-03, 2016-05, AND 2017-01; CLARIFYING APPLICATION REVIEW REQUIREMENTS; ESTABLISHING CERTAIN MARIJUANA RELATED BUSINESSES AS PERMITTED USES IN CERTAIN ZONES; ESTABLISHING CRITERIA AND STANDARDS FOR SUCH MARIJUANA BUSINESS; AND SUPERSEDING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY.

WHEREAS, the City of La Pine ("City") adopted Ordinance No. 2012-03 establishing land use and development regulations;

WHEREAS, City initiated planning file no. 2017-08IF to amend Ordinance Nos. 2012-05, 2015-03, 2016-03, and 2017-01 (Ordinance No. 2012-05 and all amendments thereto including 2015-03, 2016-03, and 2017-01 are collectively referred to as the "Zoning Ordinance") to establish certain marijuana businesses as permitted uses subject to satisfaction of certain criteria;

WHEREAS, City provided appropriate notice to the Department of Land Conservation and Development and all other parties entitled to notice of proposed Zoning Ordinance amendments;

WHEREAS, City's Planning Commission, after receiving public testimony at a public hearing held April 19, 2017 and deliberating fully on the proposed amendments, voted to recommend approval of the amendments to the La Pine City Council (the "Council");

WHEREAS, after receiving public testimony on the proposed amendments during a scheduled public hearing on May 10, 2017, the members of the Council present voted to approve the recommended amendments by adopting this Ordinance No. 2017-04 (this "Ordinance").

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

1. Findings. The above-stated findings and the findings in the staff report supporting adoption of the amendments, attached as Exhibit A and incorporated herein by this reference, are hereby adopted.
2. Zoning Ordinance Amendments. The amendments to the Zoning Ordinance contained within the attached Exhibit B, incorporated herein by this reference, are hereby approved and adopted. The foregoing amendments are hereby made part of the Zoning Ordinance. The provisions of the Zoning Ordinance that are not amended or modified by this Ordinance shall remain unchanged and in full force and effect. The foregoing amendments supersede any ordinance and/or resolution provisions, and/or policies in conflict with the amendments.
3. Severability; Savings; Corrections. 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. Nothing 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. This Ordinance may be corrected by order of the Council to cure editorial and/or clerical errors.

4. Emergency Declaration. The City 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 City 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 _____, 2017.

Dennis Scott, Mayor

ATTEST:

Cory Misley, City Manager

Exhibit A
Staff Report for Planning File No. 2016-48IF

Exhibit B
Zoning Ordinance Amendments

[attached]