

**John Day City Council  
August 11, 2015  
7:00 PM  
Council Chambers  
AGENDA**

1. OPEN AND NOTE ATTENDANCE
2. APPROVAL OF CITY COUNCIL MINUTES OF JULY 28, 2015.
3. APPEARANCE OF INTERESTED CITIZENS – At this time Mayor Lundbom will welcome the general public and ask if there is anything they would like to add to tonight's agenda.

**ACTION ITEMS:**

4. **DISCUSS FOR ADOPTION ORDINANCE NO. 15-164-02, AN ORDINANCE OF THE CITY OF JOHN DAY PROHIBITING MARIJUANA ESTABLISHMENTS; PROHIBITING THE SALE OF MARIJUANA RETAIL PRODUCTS; AND DECLARING AN EMERGENCY**  
Attachments:
  - Discuss for Adoption Ordinance No. 15-164-02
  - Baker City Herald Article
  - Argus Observer Article

**OTHER BUSINESS:**

5. **OTHER BUSINESS AND UPCOMING MEETINGS**  
Attachment:
  - LOC Bulletin

**ADJOURN**

**TO:** John Day City Council

**FROM:** Peggy Gray, City Manager

**DATE:** August 7, 2015

**SUBJECT:** Discuss for Adoption Ordinance No. 15-164-02, an Ordinance of the City of John Day Prohibiting Marijuana Establishments; Prohibiting the Sale of Marijuana Retail Products; and Declaring an Emergency

Attachments:

- Discuss for Adoption Ordinance No. 15-164-02
- Baker City Herald Article
- Argus Observer Article

**BACKGROUND:**

At your July 14, 2015 Council meeting, we discussed HB 3400 “Local Option for Qualifying Cities.” City Attorney Jeremy Green explained that a qualifying city satisfying the following requirements may impose a prohibition on marijuana businesses under HB 3400:

1. A “qualifying city” means a city located in a county in which not less than 55 percent of votes cast in the county were in opposition to Measure 91.
2. The council of a “qualifying city” may adopt an ordinance prohibiting marijuana operations by December 27, 2015.
3. If the council adopts an ordinance prohibiting marijuana operations, it must provide the text of the ordinance to (a) OHA if the ordinance concerns a medical marijuana dispensary or processing site, or (b) OLCC if the ordinance concerns a premises for which a license has been issued under Measure 91.

The Council voted 6-1 to opt out on both medical and recreational marijuana in the City of John Day and move forward with an opt out ordinance that would also repeal the City’s medical marijuana facilities time, place and manner ordinance, Ordinance No. 15-163-01. This issue was discussed again at your July 28, 2015 and it was the consensus of the City Council at that time to continue to proceed with the ban ordinance.

During the development of the ban ordinance, City Attorney Jeremy Green reminded me this ordinance does not address/ban the personal use and/or growing of marijuana. In addition, this ordinance does not address medical marijuana “grow sites.” Jeremy stated HB 3400 is silent on whether a city may ban medical marijuana growers from operating.

HB 3400 does place restrictions on the number of mature plants that may be located at a medical marijuana grow site. For example, no more than 12 mature marijuana plants may be produced at an address located within a city in an area zoned for residential use. A person responsible for a marijuana grow site registered with the OHA prior to January 1, 2015 may produce no more than 24 mature marijuana plants. Outside residential zones, a grow site may have no more than (a) 48

mature marijuana plants, or (b) up to 96 plants if the person responsible for the site was registered with the OHA prior to January 1, 2015.

**RECOMMENDATION:**

Ordinance No. 15-164-02 was posted as per Chapter VII of the John Day City Charter. I recommend the John Day City Council adopt Ordinance No. 15-164-02. The Council should also consider exploring an outright ban on medical marijuana grow sites or at the very least consider setting time, place and manner regulations on them.

Recommendation Motions:

First Motion: "I move to have Mayor Lundbom read Ordinance No. 15-164-02 by title only."

Second Motion: "I move to adopt Ordinance No. 15-164-02."

**TO:** John Day City Council  
**FROM:** Peggy Gray, City Manager  
**DATE:** August 7, 2015  
**SUBJECT:** Other Business and Upcoming Meetings  
Attachment:

- LOC Bulletin
- Email from Ford Family Foundation

**OTHER BUSINESS:**

1. The July 31, 2015 LOC Bulletin is included in your council packets.
2. Attached is an email from Alisha Templeton of The Ford Family Foundation. Our financial progress report submission was approved and they forward the City of John Day a check in the amount of \$200,000 for our community room for the new fire station on September 15, 2015.

**UPCOMING MEETINGS:**

August 25, 2015	7:00 p.m. Council Chambers	Regular City Council Meeting
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