

ORDINANCE NO. 21-194-05

AN ORDINANCE AMENDING THE JOHN DAY DEVELOPMENT CODE TO ESTABLISH REGULATIONS CONCERNING MEDICAL AND RECREATIONAL MARIJUANA PRODUCERS, PROCESSORS, WHOLESALERS, LABORATORIES, AND RETAILERS; ALLOWING THESE FACILITIES IN SOME COMMERCIAL AND INDUSTRIAL ZONES WITH CERTAIN RESTRICTIONS

WHEREAS, the City of John Day ("City") adopted the John Day Development Code (the "Development Code") to regulate land use and development within the City; and

WHEREAS, City determined that marijuana related uses should be allowed within the City; and

WHEREAS, City, as applicant, filed an application under Planning File No. AMD-21-04 to amend the Development Code to allow for and regulate marijuana related uses (collectively, the "Amendments"); and

WHEREAS, City provided notice of the Amendments to the Department of Land Conservation and Development ("DLCD") and the general public; and

WHEREAS, after conducting a properly noticed public hearing on May 20, 2021, and after fully deliberating the matter, the City's Planning Commission recommended that the City Council adopt the Amendments; and

WHEREAS, after conducting a properly noticed public hearing on June 22, 2021 to receive public comment, and after fully deliberating the matter, the City Council voted to adopt the Amendments.

NOW, THEREFORE, the City of John Day ordains as follows:

1. Findings. The findings contained in the recitals and those found in the staff report delivered at the June 22, 2021 public hearing before City Council, attached hereto as Exhibit A are hereby adopted and incorporated herein by reference.

2. Amendments. The Amendments to the Development Code contained in the attached Exhibit B are hereby adopted. The provisions of the Development Code that are not amended or modified by this Ordinance No. 21-194-05 (this "Ordinance") remain unchanged and in full force and effect. The Amendments supersede any conflicting provisions and/or policies in any City enactment or adopted document. Staff is directed to take such actions as are necessary to incorporate and/or codify the Amendments into the Development Code.

3. Interpretation; Severability; Errors. 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, rule, regulation, code, or ordinance includes the law, rule, regulation, code, or ordinance as now in force and which may hereafter be amended. The provisions of this Ordinance are hereby declared to be 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.

This Ordinance was PASSED by the City Council by a vote of ___ for and ___ against and APPROVED by the Mayor on this ____ day of June, 2021.

Ron Lundbom, Mayor

ATTEST:

Nicholas Green, City Manager

EXHIBIT A
STAFF REPORT

[attached]

EXHIBIT B
AMENDMENTS

[attached]