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190943

Emergency Ordinance

***Amend Marijuana Regulatory License Procedure and Requirements Code to align with Oregon Revised Statutes, update zone changes, add electronic mail delivery, and make other minor process changes (amend Code Chapter 14B.130)**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The Oregon voters approved Measure 91 in November 2014, legalizing the sale and consumption of marijuana, and allowing local governments to adopt time, place and manner regulations for businesses that grow, produce, sell, and transfer marijuana and marijuana items.
2. HB 3400 was enacted by the 2015 Oregon Legislature and was signed into law by the Governor on June 30, amending Measure 91 to significantly revise the authority of local governments to adopt regulations for cannabis businesses.
3. In November 2014, the City Council initiated the Portland Cannabis Program in the Office of Community & City Life to manage complaints, community expectations, and respond with authorized enforcement mechanisms as appropriate.
4. On September 30, 2015, Council adopted Ordinance No. 187359, added license procedures and requirements for cannabis businesses to Portland City Code Chapter 14B.130.
5. Cannabis Program recommends minor technical fixes to Portland City Code Chapter 14B.130 to correct updates from the Oregon Revised Statutes, adding electronic mail delivery, updating zones reflected in the Comprehensive Zone Change from June 2018, and other light housekeeping of PCC14B.130 to align our current processes with code.
6. On September 30, 2018, Council adopted the Social Equity Program to further support small businesses and individuals directly impacted by cannabis prohibition. The program reduces licensing and permitting costs for Portland's small cannabis businesses and businesses who have owners or staff with prior cannabis convictions. The Cannabis Program recommends changing the name from Social Equity Program to License Fee Reduction to avoid confusion with the Social Equity & Educational Development (SEED) Grant Program.
7. Cannabis Program recommends removing "in consultation with the Chief of Police" on approvals and denials of cannabis licenses. When

Changes

[Ordinance Number 190943](#)

July 28, 2022

[View all changes](#)

Introduced by

[Commissioner Jo Ann Hardesty](#)

Bureau

[Office of Community & Civic Life](#)

Contact

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Requested Agenda Type

Time Certain

Changes City Code

Council adopted Ordinance No. 187359 adding procedures and requirements for cannabis businesses, these procedures were modeled after the Liquor Licensing Program within Civic Life. As time progressed, it has been apparent the processes between Liquor and Cannabis licensing are very different at both local and state level.

8. In February 2022, the Oregon Legislature passed HB 4016, which placed a moratorium on the issuance of new cannabis licenses until March 31, 2024. Therefore, the Cannabis Program recommends removing the requirement for providing notice of an application before a final decision is made in the form of mailing notifications to partnering bureaus such as Police, Fire, Bureau of Development Services, Financial Services, Neighborhood Associations, and property owners and residences within 300 feet of proposed location as well as removing requirement to post notices for new retail cannabis businesses applying for licensure.

NOW, THEREFORE, the Council directs:

- A. City Code Chapter 14B.130 is amended as set forth in Exhibit A and attached to this ordinance.

Section 2. The Council declares that an emergency exists in order to align current Cannabis Program processes with Chapter 14B.130; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Documents and Exhibits

 [Exhibit A](#) (257.96 Kb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
July 28, 2022

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

Purpose of Proposed Legislation and Background Information

The 2015 Oregon Legislature enacted HB 3400 to amend Measure 91, which legalized both the consumption of marijuana by adults 21 and over, and the legal production and sale of marijuana and marijuana items. HB 3400 also granted limited time place and manner authority to local governments over operational aspects of the businesses that produce, process, transfer, or sell marijuana.

Portland City Council voted to develop the Cannabis Program in November 2014 and voted to adopt Portland City Code (PCC) 14B.130 to regulate business that produce, process, transfer, or sell marijuana.

The proposed code amendments introduced by this ordinance will change PCC 14B.130 adopt minor technical fixes to correct updates from the Oregon Revised Statutes, adding electronic mail delivery, updating zones reflected in the Comprehensive Zone Change from June 2018, and other light housekeeping of PCC14B.130 to align our current processes with code.

In February 2022, the Oregon Legislature passed HB 4016, which placed a moratorium on the issuance of new cannabis licenses until March 31, 2024. This only applies to processing of new applications submitted after January 1, 2022, and does not include change of location, transfer of ownership, or annual renewals. Therefore, the Cannabis Program recommends removing the requirement for providing notice of an application before a final decision is made in the form of mailing notifications to partnering bureaus such as Police, Fire, Bureau of Development Services, Financial Services, Neighborhood Associations, and property owners and residences within 300 feet of proposed location as well as removing requirement to post notices for new retail cannabis businesses applying for licensure.

Financial and Budgetary Impacts

There are no anticipated financial or budgetary impacts from this ordinance.

Community Impacts and Community Involvement

These proposed changes reflect over four years of process improvements needing minor technical fixes to better align current practices with code. There are no impacts to the community or cannabis industry.

This proposal has already been shared with some industry partners. Further, the Cannabis Program will continue engaging appropriate bureau and community partners and seek input from the Cannabis Policy Advisory Team (CPOT) public advisory body.

100% Renewable Goal

N/A

Agenda Items

666 Time Certain in [July 27-28, 2022 Council Agenda](#)

Passed

Commissioner Jo Ann Hardesty Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Absent