

Exploring Siting Restrictions on Recreational Marijuana Dispensaries in Eugene, Oregon

Henry Hearley

Master of Community and Regional Planning

Department of Planning, Public Policy and Management

University of Oregon

June 2016



Acknowledgements

First I would like to thank my committee, Bob Parker, Gerardo Sandoval and Rebecca Lewis for their continued support and help with this project.

Thank you to the College of Arts and Sciences Information Technology at Social Sciences Instructional Lab for the use of computer software that made this project possible.

Lastly, I would like to thank my friends and family for their continued support during these past two years.

Table of Contents

Contents

- Acknowledgements**..... 3
- Table of Contents**..... 4
- Abstract** 6
- Chapter 1: Introduction** 7
 - Research Questions..... 7
 - Organization of this Report..... 8
- Chapter 2: Policy Context**..... 9
 - A Brief History of Marijuana Policy 9
 - Marijuana Policy in Oregon 9
 - Home Rule in Oregon 10
 - Measure 91 10
 - OLCC Regulation 11
 - Local Cities Exemption Process..... 12
 - Administrative Rules 13
 - Federal Law..... 15
 - Marijuana in Eugene 15
 - Economic Impacts..... 16
- Chapter 3: Methods** 19
 - Literature Review 19
 - Interviews..... 20
 - Interviewees 21
 - GIS Analysis 22
 - Socioeconomically Disadvantaged Tracts (SED)..... 24
 - Challenges and Limitations 24
- Chapter 4: Interview Findings** 26
 - Section 1: Policy Makers (OLCC & OHA) 26
 - Section 2: Out of State Planners 28
 - Section 3: Local Planners..... 30
 - Section 4: Neighborhood Association Chairs 32
 - Section 5: Marijuana Businesses 33

Chapter 5: Land Use Findings	35
Land Available for Marijuana Dispensaries.....	35
Socially / Economically Disadvantaged Census Tracts (SED)	38
Chapter 6: Future Research and Conclusion	41
Future Research.....	41
Conclusion	41
Chapter 7: Recommendations.....	43
Appendix A: Tables.....	45
Appendix B: Maps.....	54
Appendix C: Interview Questions.....	58
Appendix D: OLCC License Application Process.....	61
Appendix E: Opt-Out Cities and Counties.....	64
Appendix F: What’s Legal Oregon?	68
References.....	78

Abstract

In the fall of 2014 Oregon voters passed Measure 91 which allowed for the legal possession, sale, production and processing of recreational marijuana. While marijuana remains illegal on a federal level, in recent years the political nature of recreational marijuana has been to leave it up to the states to decide. Oregon now joined Washington and Colorado as the only state to allow for the sale of recreational marijuana to adults 21 years of age and over. The new landscape of legal marijuana sets up an interesting planning question that local municipalities must now address. Will they allow marijuana sales in their cities? How will cities regulate where dispensaries can operate? This research topic addresses those issues and more. Through GIS analysis displaying the spatial distribution of medical and recreational marijuana dispensaries in relation to census socioeconomic characteristics, and a series of interviews with stakeholders, this project intends to provide the City of Eugene with a set of lessons learned as it confronts the implementation of recreational marijuana.

Chapter I: Introduction

In the fall of 2014, Oregon voters passed Measure 91 which legalized the sale, and possession of marijuana for adults' 21-years of age and over. Oregon became the third state to enact such a law, following Colorado and Washington. As it remains today, marijuana is still an illegal substance in the eyes of the federal government.

Under Measure 91 (codified as ORS Chapter 475B), the Oregon Liquor and Control Board (OLCC) will be the governing authority overseeing the implementation of Measure 91 and the issuing of retail licenses. OLCC has only set forth the basic minimum restrictions for the siting of recreational marijuana dispensaries which include an OLCC licensed dispensary may not be located within 1,000 feet of a K-12 school or in a zone that is zoned exclusively residential. The state legislature allowed for any city or county to ban legal marijuana sales, Lane County and Eugene have decided to allow the sale of legal marijuana.

The inspiration for this topic first came about topic after reading a January 2015 article published in the American Planning Association. The article discusses how Seattle, which passed legal marijuana use for adults in 2012, can plan for marijuana implementation (Staley, 2015). My interests in marijuana planning are trying to figure out what factors are planners in Eugene considering as they implement state policy related to the location of dispensaries for recreational marijuana. I believe there is a fundamental shift occurring in the country when it comes to marijuana policy. Increasingly, citizens are in support of the legalization of marijuana (Saad, 2014). If cities don't plan for the impacts legal marijuana may have, they face being caught off-guard and unable to best serve its citizens. Safe, rational marijuana policy starts with sound planning at the local level.

Research Questions

The research questions in this report have three parts. State as questions and expand

- The first question will look at the basic question of where marijuana dispensaries can be located within Eugene. Is the amount of land available abundant or limited?
- Building off the first analysis the placement of existing dispensaries will be analyzed through an equity lens. Are the locations of existing dispensaries located in areas of socioeconomically disadvantaged areas? And is the land suitable for future dispensaries concentrated in these areas?
- Lastly, perspectives of key stakeholders in Eugene and around Oregon have been collected to present each groups views and opinions on recreational marijuana. The findings will serve as a way for the City of Eugene and other stakeholder groups to find out what each groups concerns are with recreational marijuana, and what other cities have done in preparing for recreational marijuana.

Organization of this Report

Chapter 2 lays out the policy context behind the history of marijuana policy In the United States. A brief overview of recent legalization efforts, and how marijuana fits into Oregon law.

Chapter 3 presents an understanding of the methods used in this study to collect interview data with stakeholders, and the model of a GIS analysis on where land in Eugene is available for potential marijuana dispensaries to locate. The challenges and limitation of this study are also discussed in this chapter.

Chapter 4 presents the findings of interviews. This section includes summarized responses to all questions listed by stakeholder group.

Chapter 5 this section presents the results from a GIS land use analysis of available land for dispensaries to locate in Eugene. Additionally, this land use suitability map ranks census tracts based on socioeconomic data.

Chapter 6 brings the findings from the interviews and GIS analysis into a concise conclusion. This section also lays out ample and promising recommendations for future research.

Chapter 7 provides recommendations to stakeholders involved in this study based on the interview and GIS data collected.

Appendix will include relevant supplemental materials such as maps, charts, and additional materials collected that relate to recreational marijuana in Oregon and Eugene.

Chapter 2: Policy Context

A Brief History of Marijuana Policy

Marijuana prohibition has a long history in the United States. It's now only becoming realized that prohibition may not be the answer with respect to marijuana policy. In the early twentieth century marijuana, like opiates and cocaine were freely available at many drug stores in various forms for customers to purchase. During this period the hemp from marijuana plants was widely cultivated and used to make products such as rope, but the practice of smoking marijuana in cigarettes or pipes was largely unknown in the United States until it was introduced by Mexican immigrants during the first few decades of the twentieth century.

The first federal attempt to regulate marijuana came in 1906 with the passage of the Pure Food and Drug Act, which required patent medicine companies to list on their labels products that contained cannabis as well as other substances so customers could avoid it. During the next several decades numerous marijuana laws and acts were passed such as the Marijuana Tax Act which regulated the drug by requiring dealers to pay a transfer tax. The war on drugs started in 1968 under President Nixon when he promised to restore "law and order". In 1970, Congress passed the Comprehensive Drug Abuse Prevention and Control Act in conjunction with the Controlled Substances Act (CSA), which placed marijuana in the most restrictive category (C-I) of drugs having no permissible medical use. Marijuana, along with other banned substances such as heroin and LSD have remained on this list ever since (Siff, 2014). During the late 1990s and entering the 21st Century, as medical marijuana became more common place, it appeared the U.S. was leaving marijuana up to the states to decide. Figure 1 below shows a time line progression of states passing medical and recreational marijuana laws.

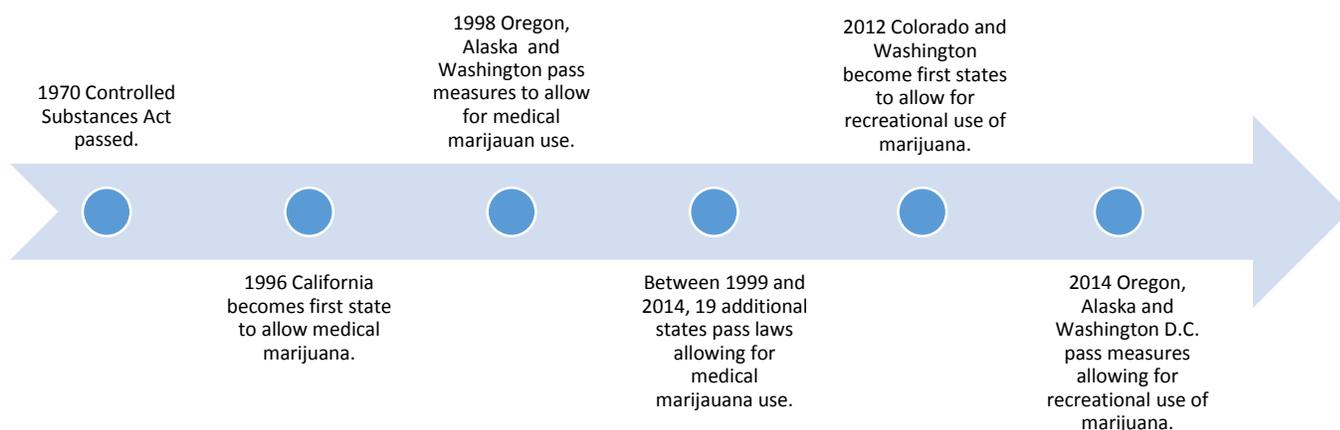


Figure 1. Timeline of states passing medical and recreational marijuana laws since 1970.

Marijuana Policy in Oregon

Oregon has a long history with respect to marijuana law and policy. Not long after California first passed the Compassionate Care Act in 1996 which enacted a statewide medical cannabis program. In 1998, Oregon followed suit and instituted a medical marijuana program as a result of Ballot Measure 67. The result of a "yes" vote allowed medical use of marijuana in Oregon within specified limits. The law, known as the Oregon Medical Marijuana Act, provides legal protection for qualified patients; requires a

physician written statement of the patients qualifying condition; allows for a caregiver to provide assistance; and mandates an Oregon Health Authority (OHA) registration system. In May 1999, the program was officially implemented as the Oregon Medical Marijuana Program (OMMP). The program is completely self-supported; no state funds are used toward OMMP (Authority, 2016).

Home Rule in Oregon

In Oregon, cities derive their authority from the Oregon Constitution. Home rule is the power of a local government to set up its own system of governance and give local government's local authority to adopt local ordinances without having to obtain permission from the state. The home rule applies to marijuana policy and regulation in that the Oregon Liquor Control Commission (OLCC) has largely left any further restrictions and regulation to be placed on a marijuana business be left up for that local government to decide on. Any further restriction or regulation placed on marijuana businesses must not be less stringent than the current state standards. For example, current law regulates no marijuana business shall be located within 1,000 feet of a school. A city cannot pass an ordinance that states no marijuana businesses shall be located within 750 feet of a school because the city's regulation is less stringent than what's put forth by the state.

Measure 91

Measure 91 was born out of the failed efforts to legalize marijuana for recreational use in 2012. Measure 80 failed by a margin of 47% in favor and 53% opposed. In the same year that Colorado and Washington legalized marijuana, Oregon failed to do so, why? Part of the reason may have been due to the lack of support from big financial donors. Another reason may have been that Measure 80 if it had passed would have effectively turned the state of Oregon into a marijuana dealer. If Measure 80 has passed, the state would have licensed sellers and processors, but instead of regulating its sale, the state would have purchased the marijuana, packaged it, and sold it to customers for a profit.

After marijuana legalization failed in 2012, activists of marijuana policy reform achieved the required amount of signatures to place a new measure on the ballot in the fall of 2014. The new initiative was better written, thought out, and had more political backing than its predecessor in 2012. Proponents of marijuana reform in Oregon had the benefit of looking at what was happening in Washington and Colorado and were able to craft their new measure around lessons learned to avoid potential pitfalls, concerns and criticisms by the opponents to marijuana reform. The resulting efforts culminated in Measure 91 being placed before the voters of Oregon in November of 2014. Measure 91, as codified in ORS 475B.005 Purposes of ORS 475B.010 to 475B.395 passed in Oregon with a 56% approval vote. As seen in figure 2 below, the topic of whether marijuana should be legalized for recreational uses, is controversial and political. The Portland metro area as expected voted heavily in favor of Measure 91, most people would point to the liberal ideals and values Portland has. Measure 91 also did very well in Lane County, which is home to Eugene and the University of Oregon. But by looking at the amount of green counties versus purple counties, it's easy to see the political and social divide in Oregon. All of eastern Oregon with exception of Deschutes County (where Bend is located) voted against Measure 91.

Measure 91

Marijuana legalization

Yes

No

UPDATED: 11:36 AM, NOV 20

> 95% of est. votes counted

	838,537	56.0%
	659,432	44.0%

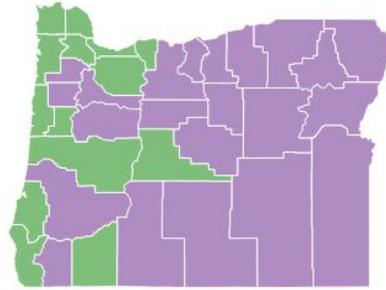


Figure 2. Results of measure 91 voting by county. Source: The Oregonian.

The passage of Measure 91 by Oregon voters allows for adults 21 years and older to grow up to four plants on their property, possess up to eight ounces of usable marijuana in their home and carry up to one ounce in public. Recreational marijuana cannot be used in public.

Along with the legal possession of certain amount of marijuana, the law also establishes a system for the production, processing, sale and taxation of marijuana products. OLCC is tasked by the state legislature in setting up a permit and regulatory process in which all marijuana uses must comply with.



Figure 3. A visual aid with the help of a Voodoo Doughnut to marijuana customers of what's legal and what's illegal. Source: Google Images.

OLCC Regulation

With the passage of Measure 91, OLCC began the long process in conjunction with state policy makers of crafting draft rules and regulations that all recreational marijuana businesses would have to abide by. With the approval of Measure 91 in November 2014, and the anticipated start date of full recreational sales not until late 2016, the state and proponents of Measure 91 saw a problem; there would be a long gap between implementation and actual beginning of recreational sales. To solve this problem, SB 460 as codified in ORS 475.300 to 475.346, was signed by the Governor in 2015. SB 460 would allow current

licensed medical marijuana dispensaries to sell recreational marijuana products to customers 21 years of age and older. This process would be known as co-locating medical and recreational marijuana. Recreational sales of marijuana started in Oregon on October 1st, 2015.

OLCC began accepting applications for the recreational marijuana market on January 4th, 2016. Prior to this date, OLCC held several public training sessions around Oregon as a way to explain the application process to perspective applicants for retailers, producers, wholesalers, and laboratories. The training session held in Eugene took place in December 2015 at Lane Community College. As of April 19th, 2016, OLCC has received more than 884 license applications, 155 of which are retail applications (Vance, 2016).

Local Cities Exemption Process

Under Oregon law cities and counties have the opportunity to prohibit producer, processor, and wholesale and retail licenses within their jurisdiction. As of April 2016, 86 cities and 17 counties in Oregon have chosen to prohibit recreational marijuana in-part or entirely. To impose a ban, someone must file an initiative petition using the statutory process in accordance with ORS Chapter 250, initiatives and referendums, with a few procedures as outlined in Measure 91. Based on the results of the original Measure 91 vote in 2014, a jurisdiction may issue an ordinance prohibiting all or any combination of recreational marijuana activity if their respective county voted 55% or more against Measure 91. If a County voted less than 55% against Measure 91, the ordinance to ban recreational marijuana must be put on the next general election ballot. A complete list of these jurisdictions can be found in Appendix D.

Eligibility Reminder

Is your city or county located on the OLCC Opt-Out list?

If so, you may not be eligible for a license.



Oregon law grants cities and counties the opportunity to prohibit recreational marijuana producers, processors, wholesalers, and/or retailers in their jurisdiction. This is dependent on how the county voted on Measure 91*:



Figure 4. Eligibility reminder for licensees. Source: Business Readiness Handbook, p.5.

Administrative Rules

OLCC has developed 70 pages of administrative rules for recreational marijuana in Oregon. These rules are temporary and are in the process of being finalized by OLCC. The 70 pages of rules covers all types of licenses OLCC issues. The scope of this study is focused on retail marijuana and siting restrictions and regulations within Eugene. The administrative rules are listed in OAR Chapter 475B — Cannabis Regulation. Early recreational sales are currently operating under the authority of OHA, which oversees medical marijuana. The current rules for medical marijuana dispensaries as codified in OAR 333-008 – Medical Marijuana Patients, Growers, Processors, and Dispensaries.

Land Use Compatibility Statement

A Land Use Compatibility Statement (LUCS) is a form used by a state agency and local government to determine whether a land use proposal is consistent with local government’s comprehensive plan and land use regulations. OLCC and other state agencies with permitting or approval activities that affect land use are required by Oregon law to be consistent with local comprehensive plans and to have a process for determining consistency. Section 34(4) (a) of 2015 Oregon Laws, Chapter 614, requires OLCC to request and obtain the LUCS and have a positive LUCS prior to issuing a license.

Obtaining a completed LUCS is the first step an applicant must go through when applying to OLCC for a retail licenses is get approval from their location municipality in which they wish to locate the business. The approval is in the form of a LUCS. A city or county must fill out a LUCS to indicate whether or not retail marijuana is a permitted use in the respective city or county and at the proposed address. A copy of an OLCC LUCS can be found in Appendix C.

As listed in the “Life of a License Application” located in Appendix D. After the application has submitted an online application for an OLCC license, and OLCC acknowledges they’ve received the application the next step in the application process is for the applicant to gain local approval through their respective jurisdiction in which they wish to operate. The local jurisdiction must fill out a LUCS and give approval or denial based on the city’s zoning and land use requirements for the proposed use. When the city receives a LUCS it has 21 days to respond. If the city approves the LUCS the applicant’s license application will continue on for ultimate approval by OLCC. If the city denies the LUCS, the applicants license application stops right there. OLCC cannot do anything if the local city has denied an applicant’s LUCS for a proposed use.

475B.063 Duty to request land use compatibility statement. (1) Prior to the issuance of a license under ORS 475B.070, 475B.090, 475B.100 or 475B.110, the Oregon Liquor Control Commission shall request a land use compatibility statement from the city or county that authorizes the land use. The land use compatibility statement must demonstrate that the requested license is for a land use that is allowable as a permitted or conditional use within the given zoning designation where the land is located. The commission may not issue a license if the land use compatibility statement shows that the proposed land use is prohibited in the applicable zone.

(2) A city or county that receives a request for a land use compatibility statement under this section must act on that request within 21 days of:

(a) Receipt of the request, if the land use is allowable as an outright permitted use; or

(b) Final local permit approval, if the land use is allowable as a conditional use.

(3) A city or county action concerning a land use compatibility statement under this section is not a land use decision for purposes of ORS chapter 195, 196, 197 or 215. [2015 c.614 §34(4)]

OAR 845-025-1115 Denial of Application

(b) The applicant's land use compatibility statement shows that the proposed land use is prohibited in the applicable zone.

If a LUCS is denied by local government the application process will end right there. The burden is on the applicant to ensure their proposed use and location is permitted within the jurisdiction in which they wish to operate.

Siting Restrictions

OLCC sets only the minimum regulations and restrictions on dispensaries. These two basic requirements are that a dispensary may not be located within 1,000 feet of a school or in an area zoned exclusively for residential use.

475B.110 Retail license rules. (1) The retail sale of marijuana items is subject to regulation by the Oregon Liquor Control Commission.

(c) May not be located in an area that is zoned exclusively for residential use;

(d) May not be located within 1,000 feet of:

(A) A public elementary or secondary school for which attendance is compulsory under ORS 339.020;

(B) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 333-008-1110

OAR 333-008 Locations of Medical Marijuana Dispensaries; Dispensary Premises Restrictions and Requirements

(1) A dispensary may not be located:

(a) In an area that is zoned for residential use.

(b) At the same address as a registered marijuana grow site;

(c) Within 1,000 feet of the real property comprising a public or private elementary or secondary school; or

(d) Within 1,000 feet of another medical marijuana dispensary.

OLCC has set up a user-friendly website that contains all information relating to recreational marijuana in Oregon. OLCC's recreational marijuana site can be found at marijuana.oregon.gov.

Federal Law

Marijuana remains on schedule I substance under the federal CSA. Schedule I substances are those for which the government had made the following findings:

- The drug or other substance has a high potential for abuse.
- The drug or other substance has no currently accepted medical use in treatment in the United States.
- There is a lack of accepted safety for use of the drug or other substance under medical supervision.

Oregon's medical and recreational marijuana programs do not and cannot provide immunity from federal prosecution. Similarly, state law does not protect against federal authorities from marijuana plants being seized or people being prosecuted if the federal government so chooses to pursue charges under the CSA. It should also be noted that cities cannot provide immunity from federal prosecution (Cities, 2015).

Marijuana in Eugene

Eugene allows both medical and recreational marijuana. In Eugene, marijuana dispensaries are considered special retail and are allowed anywhere special retail is allowed. Dispensaries are not allowed in areas zoned exclusively for residential use. As a special retail store, dispensaries are allowed in the C-1 Neighborhood Commercial Zone, the C-2 Community Commercial Zone, the C-3 Major Commercial Zone, the GO General Office Zone, and certain Special Area Zones. In the C-1 and GO zones, there are some limitations based on the size and use of the building.

Eugene does not have many restrictions on dispensaries, it is only applying the basic restrictions as set forth by OLCC and OHA. Eugene does not have any separation requirements for marijuana dispensaries. At this time, Eugene only applies the state mandated 1,000 foot buffer for OHA medical marijuana dispensaries from K-12 schools and existing OHA medical marijuana dispensaries. This does not include other facilities that serve children such as day care centers or recreation centers. Dispensaries in Eugene are not required to obtain a city business license in order to operate. The only businesses required to obtain a business license are payday lenders, public passenger vehicle businesses, and businesses selling tobacco. HB 3400, codified in ORS 475B.345, which amended certain parts of Measure 91, allows cities or counties to levy up to a 3% sales tax on marijuana sales. To date, there has been no indication Eugene is electing to add the additional tax to marijuana sales.

Economic Impacts

Legalized marijuana has the potential to be a massive economic generator for states and municipalities. During the first week of recreational marijuana of October 2015, sales in Oregon reached \$11 million worth of marijuana sold. For comparison in its first week of recreational sales, Colorado sold \$5 million, and Washington took a month to sell \$2 million worth of marijuana (Johnson, 2015).

Recreational sales taxes would not begin until January 2016 in Oregon. The starting tax rate for recreational sales are 25 percent and a \$35 per ounce tax paid by the producer. The tax rate will eventually be replaced with one ranging from 17 to 20 percent later in 2016. The legislature set the base tax rate at 17 percent, but cities and counties can impose an additional 3 percent sales tax. In the month of January 2016, first taxable month of recreational sales Oregon collected \$3.48 million in taxes. As of April 20th, 2016 Oregon has collected nearly \$7 million in marijuana taxes. One recreational dispensary in Salem is sending approximately \$20,000 in cash to the state each month (Lehman, 2016). Counties and cities that have opted out of recreational marijuana sales will not receive a share of the tax revenue (Crombie, 2016).

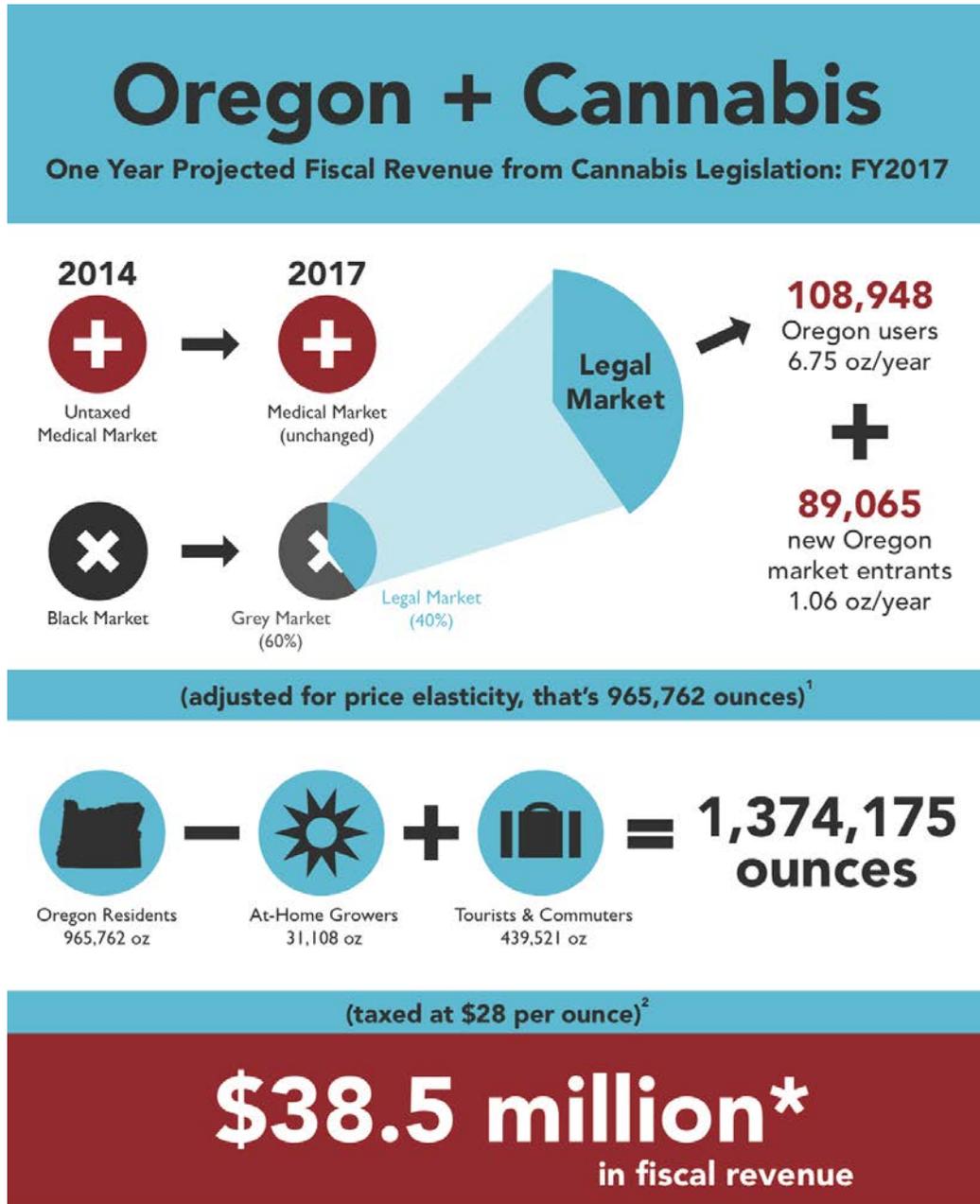
The revenues generated from recreational marijuana sales will be placed in an Oregon Marijuana Account, separate and distinct from the General Fund. The revenue will be distributed as follows:

- 40% to Common School Fund;
- 20% Mental Health Alcoholism and Drug Services;
- 15% State Police Account;
- 10% local cities for enforcement of the measure;
- 10% to Counties for enforcement of the measure;
- 5% to OHA for alcohol and drug abuse prevention

In July 2014, the economic, finance and planning firm ECONorthwest conducted an independent study to estimate the amount of money that would be generated in the short term if Measure 91 passed. The study's key findings are:

- \$38.5 million in excise tax revenue would be generated during the first fiscal year of tax receipts;
- \$78.7 million in excise tax revenue would be generated during the first full biennium of tax receipts.

Figure 5 shows how ECONorthwest projected tax revenue of recreational marijuana for Fiscal Year (FY) 17. According to projections by ECONorthwest, there are approximately 108,000 Oregon marijuana users which each consuming 6.75 ounces year. Additionally, with the entrance of recreational marijuana this may bring to the market approximately 89,000 marijuana consumers for a variety of reasons: curiosity, recreationally on the weekends, or with friends. The \$28 tax rate is a blended rate based on estimated consumption of flowers and leaves (ECONorthwest, 2014).



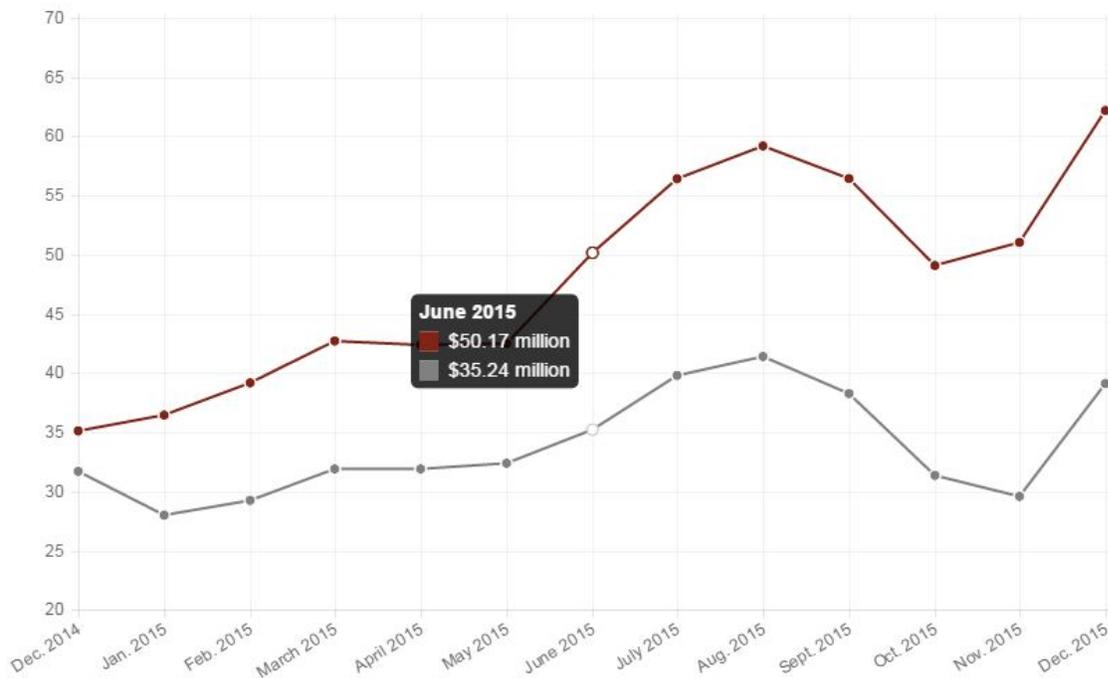
¹ Demand adjusted upward by 16.4% due to lower prices and demand elasticity.
² \$28 per ounce is a blended rate based on estimated consumption of flowers and leaves.
 * Not including licenses and fees. Total includes plant taxes generated by home production costs. To view the full report, visit econw.com.

Figure 5. Infographic created by ECONorthwest for marijuana tax revenue in FY17.

The recreational marijuana industry is on its way to making its first billion. In 2015, Colorado, the first state to legalize recreational marijuana, sold more than \$996 million worth. Colorado has collected more than \$135 million in marijuana taxes and fees in 2015. More than \$35 million of this this will be set aside for school construction projects. Colorado’s near billion dollar industry shows how much money that has traditionally been in the black market associated with marijuana. After legalization this money became visible to everyone involved in the marijuana industry. In 2014, recreational sales were \$699 million, a year later sales nearly eclipsed a billion dollars. The reason for the increased sales from 2014 to 2015 may be because more municipalities started allowing these businesses and more costumers were attracted to the safe, legal marijuana market (Baca, 2016).

Sales stats for Colorado weed

A month-by-month look comparing sales of recreational and medical marijuana



Source: Colorado Dept. of Revenue; graphic by Kevin Hamm, The Denver Post

Figure 6. Colorado marijuana sales by month for 2015.

Chapter 3: Methods

This chapter will detail the methods used throughout this project from the initial research steps, the primary data collection process and through the synthesis and analysis.

Literature Review

Most of the existing literature relating to marijuana dispensaries is strictly based on medical marijuana dispensaries (MMDs). This is understandable seeing as how recreational marijuana has only been legal in a few states since 2012. However, applying the lessons learned from MMDs as to where they can be located within a city have much in line with how cities and states are choosing to regulate recreational marijuana dispensaries. The literature also explored whether not marijuana dispensaries act as locally unwanted land uses (LULUs) within cities. A LULU is a land use that is suitable for society, but may be objectionable to some. Examples of LULUs include sex-oriented shops, or liquor stores. A city may regulate LULUs by placing them on the periphery of cities, distributing them within the city, or concentrating them in areas of less affluent neighborhoods.

Because recreational marijuana is a new industry, public health experts are now faced with a new legal substance in which they will have to try and craft additional health related regulations in an effort to curb use and access by youths. One avenue public health may pursue is to take insights learned from the regulation of alcohol and tobacco and apply it to marijuana. Five key target areas can be agreed upon between public health officials and proponents of marijuana legalization:: minimize access and availability to youths, minimize drugged driving, minimize dependence and addiction, minimize unwanted containment and potency of marijuana products, and minimize concurrent use of marijuana and alcohol, particularly in a public setting. Public health officials have recommended several policies that can be implemented to help address these common ground goals of regulation (Liccardo, Kilmer, Wagennar, Chaloupka, & Caulkins, 2014).

- **Keeping prices artificially elevated:** studies have shown that raising prices is one of the most effective strategies for reducing early initiation and use.
- **Restrict and monitor licenses:** A strong licensing system would require all aspects of production (grower, producer or processor, wholesaler, distributor, and retailer) to acquire a state license.
- **Limit types of products sold:** One area where there has been cause for concern with respect to recreational marijuana use is the rise of emergency room visits for panic and mania induced states of mind for individuals that have consumed edible marijuana products. A more refined educational campaign on the appropriate use and packaging of edibles may reduce these concerns. Low-dose edibles just recently became legal for recreational customers to purchase with the passage of SB 1511, but before edibles can be sold the OHA must first draw up temporary rules for those sales (Ditzler, 2016).
- **Limit marketing:** Marijuana dispensaries are prohibited from marketing to youths. Evidence shows partial restrictions on marketing are largely ineffective. A comprehensive ban on all forms of marijuana marketing may be ideal. OLCC has hired a labeling expert that is in charge of creating labeling standards for all recreational marijuana products and ensuring no label is catering to youths.
- **Restrict public consumption:** Limiting consumption in public reduces exposure to secondhand smoke and reduces the visibility of the consumption of marijuana. Written into Measure 91, ORS

475B.280, is a provision prohibiting public use in any space that is outside the privacy of a home. Public use is considered a Class B violation. Violators are subject to citation if found to be using marijuana in public.

Planners are faced with regulating new recreational marijuana dispensaries. Perhaps the best literature available to date with respect to marijuana, planning, land use and equity is a piece written in the *Journal of the American Planning Association*. The GIS analysis of land available and analysis of socially economically disadvantaged areas of this study is modeled after the study conducted by authors Nemeth and Ross in “The Cannabis Conundrum”. In “The Cannabis Conundrum” the authors research how local jurisdictions treat and regulate MMDs, and how equitably common marijuana land use models distribute these facilities. This particular study begins with an overview of MMD impacts on crime, property values, and quality of life and then reviews land use controls jurisdictions place on MMDs. The authors found most jurisdictions regulate MMDs similar to how they would regulate LULUs. Given the history of LULUs in less affluent neighborhoods, the authors conducted a case study on Denver, Colorado and find that the four common regulatory models concentrate land that permits MMDs in socioeconomically disadvantaged areas with high proportions of person of color (Nemeth & Ross, 2014).

Interviews



Figure 7. Diagram of interview stakeholders involved in study.

Interviews were conducted for the study because the intent was to gather stakeholder perspectives and opinions of all those involved in recreational marijuana implementation of Measure 91. The interview data collected in this study is the first of its kind that is specific to recreational marijuana regulation and implementation in Eugene. The data collected from interviews will help inform the stakeholders

involved in this study of the views and stance on recreational marijuana in Eugene. This is important research because as more states consider whether or not marijuana legalization is right for them, Planners and Policy Makers are going to have to grapple with how to regulate these facilities, and where they should be located within a city. The topic of marijuana is a very polarizing topic, people may be strongly in support of legalizing marijuana or strongly opposed to legalization efforts.

Interviewees

Interviews	
Stakeholder	Number of participants
Policy makers	2
Local Planners	1
Out of State Planners	4
Neighborhood Association Chairs	3
Marijuana Business Owners	2
Total	12

Figure 8. Interview stakeholder groups. Local planners consisted of group of 3 total participants.

Scheduling Interviews

Contact information for interview participants was primarily found through online internet search following the guideline set forth in the University of Oregon Institutional Review Board process. Potential interviewees were sent a recruitment letter attached in an email with details about the study, confidentiality information and what would be expected of them if they were to choose to participate. When a potential participant responded, a date a time for a phone interview was scheduled. All interviews were recorded with the consent of the participant. Interviews were conducted in a private room on the campus of the University of Oregon, with the exception of Local Planners, which was conducted in a small-group setting in a private room.

Interview Structure

The length of interview varied based on the stakeholder. The longest interview was 44 minutes and the shortest 6 minutes. While interviews were fairly informal, an interview guide was prepared before each interview began. If requested, interview questions were provided to the interviewee beforehand. Each interview guide was specifically prepared for each stakeholder group, no one group had the same questions, although at the end of each interview all interviews were asked a set of generic closing questions. The interview guides as they were prepared for each stakeholder group can be found in Appendix B. The finding of the interviews can be found in Chapter 4: Interview Findings.

Analysis of Interviews

After completion of interviews, the next step was to pull out key themes and findings that were identified for each stakeholder group. The analysis was completed by providing a summary of responses by each stakeholder group question, this method of analysis was achievable due to the low participation

rate for this study. To remain partial and ensure all voices were included in the findings, every participant’s response is included in the summary of findings for each question.

GIS Analysis



Figure 9. Model constructed for GIS analysis.

The main quantitative portion of this study relied heavily on the use of GIS. The GIS analysis used in this study was emulated from the methods used in “The Cannabis Conundrum”. GIS data was retrieved from the University of Oregon’s Geospatial Library, and the Oregon Spatial Data Library.

Medical marijuana dispensaries are currently allowed to sell marijuana to customers for recreational purposes. The siting restrictions for medical marijuana dispensaries that are operated by the Oregon Health Authority, and recreational dispensaries, which are operated by OLCC are different. Medical marijuana dispensaries must be 1,000 feet from a K-12 school as well as another registered medical marijuana dispensary (OAR 333-008).

OLCC licensed dispensaries must not be within 1,000 feet of a K-12 school and in a zone that is exclusively for residential use (ORS 475B.110). OLCC licensed dispensaries are expected to become licensed and operational by the end of 2016.

The land use suitability displays results from buffers from existing marijuana dispensaries and K-12 schools.

The land use suitability map produced using the model is listed above in Figure 9. Tax lot data from 2014 was used in this study, which contained individual tax lots of Eugene along with zoning classification. Following the initial process of obtaining the base tax lot layer, an analysis of where dispensaries are permitted based on zoning. After the permitted tax lots were separated by permitted zoning, the next step was to plot all K-12 schools as listed found on the Oregon Spatial Data Library, and existing medical and or recreational marijuana dispensaries in Eugene. The data for existing dispensary was obtained from an Oregon state registry list maintained by Oregon Health Authority. The list of existing dispensaries was reviewed by checking to see if the dispensary had a current website, phone number, or could be found on a Google map search. If a dispensary was thought to be “inactive” meaning it did not appear on a Google maps search, did not have a website, or phone number it was excluded from the study. Following the review of dispensaries it was determined 20 dispensaries could be located in Eugene. This figure is accurate of as February 2016. A list of the 20 dispensaries that were included in the land use suitability map and socioeconomic map can be found in Appendix A.

After all K-12 schools and existing dispensaries were plotted the next step was to sweep a 1,000 foot buffer from the centroid of all schools and dispensaries, this was done because by Oregon law a medical

marijuana dispensary may not be located within 1,000 feet of a school or another dispensary (**OAR 333-008**).The result of this basic GIS analysis were eligible tax lots based on zoning, and buffers where a new dispensary could locate. As of February 2016, This GIS analysis accurately predicted the opening of six new dispensaries in Eugene.

Socioeconomically Disadvantaged Tracts (SED)

Eugene SED Characteristics				
Characteristic	% Completed HS	% Employed	% in Professional Occupations	% In Poverty
City of Eugene	19	54.3	27	24.1
Median Income	% of Housing Units That Are Owner Occupied	Median Value of Owner Occupied Housing Units	% Bachelors or Higher	
\$ 42,715.00	49.8	\$ 238,700.00	22.6	

Figure 10. SED characteristics for Eugene.

In order for a census tract to be classified as being a socioeconomically disadvantaged tract it had to meet all 8 socioeconomic characteristics, meeting eight out of eight. This analysis is important because it will display which Eugene census tracts are socioeconomically disadvantaged, and how much land these areas have available for the location of a dispensary.

The value of the characteristics for all census tracts were compared to the median or average value for Eugene. If the median or average value did not meet Eugene’s threshold it was coded as a “Y” indicating it did not meet the median or average as compared to Eugene. This method classified all census tracts on a scale from 0-8. It’s entirely possible a census tract may meet 7 of the 8 characteristics, but still not be classified as a socioeconomically disadvantaged tract, this may be a limitation of the method use for this analysis. The process of finding socioeconomically disadvantaged tracts involved a combination of utilizing excel spreadsheets and GIS. The socioeconomic data was retrieved from American Community Survey and then joined meticulously to GIS shapefiles. The process of joining large excel files to GIS shapefiles is a relatively simple process, but is very time consuming.

Challenges and Limitations

The interview data and GIS analysis conducted on Eugene dispensaries is extremely valuable to all stakeholders involved in this study. Nearly all participants in this study expressed their desire to learn about what other had to say about the research questions of this study, and requested to receive a copy of the finished product.

This study was not however, without its limitations or challenges. The limitations and challenges experienced in this study do not take away from the legitimacy or accuracy of the findings. The readers of the audience should be aware of the following limitations and challenges.

- **Best available data:** The most recent GIS tax lot data that was available for this study was from 2014. After 2014 the City of Eugene updated its zoning in west Eugene along West 11th Avenue. It’s possible the updated zoning allows for more permitted dispensaries in Eugene.

- **Dispensaries being added quickly:** Eugene is adding more and more marijuana dispensaries. City of Eugene staff have seen a large influx of building permits associated with the marijuana industry. As mentioned in Chapter 3, this study only includes dispensaries that could be verified and in operation as of February 2016. Between February and April there have been six added in Eugene.
- **Socioeconomic analysis:** The classification methods to determine a socioeconomically disadvantaged tract exists on a scale. It's entirely possible a census tract may meet 7 of the 8 characteristics, but still not be classified as a socioeconomically disadvantaged tract.
- **Participation rates:** This study only includes 11 interviews. All efforts were made to obtain an equal representation of stakeholders, but, participation by stakeholder group is a little skewed. Not all groups were represented equally.
- **Recruitment of participants:** Recruiting interviewees was a particularly long and slow process. The primary method of recruitment was via email or phone. The most difficult stakeholder group to engage were marijuana business owners, particularly due to the fast operational tempo of their businesses; they simply didn't have the time to participate in an interview.

Chapter 4: Interview Findings

This chapter includes a summary of findings from the interviews with stakeholder groups involved with recreational marijuana. Key themes were taken from each question presented to a stakeholder group and summarized into key findings.

Section 1: Policy Makers (OLCC & OHA)

Has any thought gone into the spatial distribution of dispensaries based on restrictions?

Regulations and restrictions placed on recreational marijuana dispensaries were largely crafted by Measure 91 which voters passed. After the passage of Measure 91 the state legislature took up many sessions in regards to the actual implementation of Measure 91 and set forth how recreational marijuana would be governed in Oregon. The legislature and OLCC did not create any new restrictions or regulations that govern where dispensary can locate that were not already listed in Measure 91 or ORS 475B. The authority to regulate marijuana uses locally is left up to local municipalities. (Maker, OLCC, 2016)

Who was involved in the process in the creation of restrictions and regulations on the siting of recreational dispensaries?

There were over 100 different stakeholders involved in the process and 10 different subject matter expert teams, some of which assisted local governments in Oregon with local marijuana implementation. The chief petitioner of Measure 91 led the effort in coordination with other stakeholders in crafting the rules. The 1,000 foot buffer rule from schools was first memorialized in the original text of the Measure 91. After the initial passage of Measure 91 and HB 3400 the legislature in coordination with several state agencies created a committee that would be tasked with creating more granular rules for recreational marijuana. In the end there are more than 80 pages of rules for the recreational marijuana industry in Oregon (Maker, OLCC, 2016).

What review process does your department go through when it receives a permit for a dispensary?

When an application is received through the state's online application system the first thing that is checked is to verify whether or not the applicant has had a LUCS statement completed by the local jurisdiction where they're wishing to open a dispensary. If a LUCS has been completed and approved then the application will move forward with the licensing process. If a LUCS has not been completed the application will not move forward until the state has an approved LUCS. If a local jurisdiction has found the applicant's location does not meet local land use then the LUCS will be denied. The law is very clear on this, if the state cannot get an approved LUCS they will not consider the application. One very important aspect of the whole licensing process is that its important applicants form a good working relationship with their local government. It's very hard for the state to know all of the city's local land use requirements when it comes to a newly regulated industry like marijuana. All city government processes may be different depending on where an applicant wishes to open a dispensary. Local governments have more control in marijuana, they can flat out deny and stop the whole business process. (Maker, OLCC, 2016).

OLCC inspectors have authorization in law to perform a regulatory inspection. OLCC will not inspect for building codes, all those things are done at the local level. If a dispensary falls out of compliance mid-

way through the year after being given approval by local government, and local government informs OLCC of a violation they will consider that when their license comes up for renewal.

When an application is received for a medical marijuana dispensary OHA will conduct a GIS analysis to ensure there is not school within 1,000 feet of the proposed location. If it so happens a public or private school was missed a reverification process would ensue. Institutions of higher education are not considered in the definition of a school (**ORS 475B.110**).The applicant would have appeal rights to prove to OHA that it's not a school. If it's found to be a school and within 1,000 feet of the proposed location, the dispensary would have to close or move locations (Maker, OHA, 2016).

Who enforces the restrictions and regulations placed on recreational or medical marijuana dispensaries?

OLCC is tasked with oversight on cannabis growing, operation, extraction, sale, and the business side of recreational marijuana. OHA is currently in charge of enforcing rules and regulations on any medical dispensary. OLCC will implement a cannabis tracking system, commonly referred to as "seed to sale". A similar method of cannabis tracking is used in Washington and Colorado. Prior to the opening of a new dispensary, all employees will receive training and have to pass a test on the "seed to sale" tracking system. If a dispensary is found to have violated the rules or regulations set forth by OLCC, the dispensary may be issued an administrative violation, and could go all the way up to that business losing their license. OLCC also has the authority to run decoy operations on dispensaries. A decoy operation, which is also used in liquor stores, entails a minor entering a dispensary and attempting to purchase marijuana.

It's also vitally important to understand what OLCC is not responsible for. Outside of OLCC's scope of authority is anything to do with the personal possession provision of Measure 91. If someone is smoking marijuana in park and violating the public clause of the law, that's not our authority. If someone is smoking marijuana and operating an automobile, that's not our authority. If there's a situation where an individual is growing 4, 8, or 20 plants in their home and there's a smell that's overwhelming to all the neighbors, that's ultimately not our issue to resolve. OLCC does often receive these types of complaints, and while it's not their authority to address them they will point individuals in the right direction to get their issues resolved. OLCC is strictly focused on the business community and helping people that want to be entrepreneurs and successful (Maker, OLCC, 2016).

In your opinion, what are some issues cities will have to address in the future regarding recreational marijuana?

The cultural divide over recreational marijuana use in Oregon will be a big issue for citizens to get over. Oregon is a very large state. There's definitely a portion of the population in Oregon that has no problem with it, but it's divided between east and west.

If there's a situation where supply outweighs demand and businesses can't find a way to sell their product that means their product could be leaving the market and it could be going out of state, which puts our whole program at risk. At any time, the federal government could step in and shut things down. Federal authorities have not been shy about breaking up the dispensary program in California.

The issue of what local governments are going to do in terms of time, place and manner will also be something that cities will have to address in the future. There's also the barrier to entry into the

industry. At what point will cities start imposing fees or sales taxes on businesses? Eugene does not currently require a marijuana dispensary to obtain a business license, but could change in the future. Will the initiation of fees imposed on dispensaries shut out “mom and pop” shops and hurt the marijuana craft market (Maker, OHA, 2016)?

Section 2: Out of State Planners

What challenges did your department identify that needed analysis or to be addressed prior to the legalization of recreational marijuana?

Planners from various cities across Washington and Colorado identified several issues that they would need to confront with respect to the implementation of recreational marijuana in their respective states. Overall, out of state Planners took a very pro-active stance to the legalization of marijuana in their respective jurisdiction. Specific responses varied depending on the state and size of city. The common themes that emerged from this question were:

- **Odor:** Interviewees identified odor as being a major nuisance they identified as being an issue they would have to address. Seattle has had a hard time proving where certain odors associated with marijuana have come from, so they’re dealing with the issue up-front to make sure what’s allowed in a residential area is not sufficient to create an odor. Seattle also has taken steps to ensure facilities have the appropriate clean air equipment installed during the permitting process (Planner, Seattle, 2015).
- **Land Use:** The issue of where dispensaries could and should be located within a city is something all four cities interviewed dealt with. By in large, the issue was at least in part settled in the respective state law that legalized marijuana, but like Oregon, cities in Washington and Colorado were given the authority to adopt stricter restrictions that put forth by the state authority. Cities also brought up the concern that buffers and zoning restrictions may severely limit where dispensaries can operate.
- **Legal Issues:** Marijuana is still illegal on a federal level. In one city there were concerns that city councilors would face federal prosecution if they were to allow recreational marijuana businesses in their city. Another city had medical marijuana dispensaries face federal enforcement letters due to their locations within a city and near other sensitive uses such as schools (Planner, Kenmore, 2016).
- **Spatial Analysis-** All cities utilized GIS analysis to see where potentially dispensaries could operate as part of the planning process prior to implementation of marijuana in their respective cities.

Has any thought or planning gone into the spatial distribution of dispensaries?

Planners in other cities did not want to create a cluster of marijuana dispensaries in their cities. This may be why many jurisdictions are adopting a 1,000 foot buffer from other dispensaries. Cities interviewed all had additional buffer restrictions placed on marijuana dispensaries than does Eugene, this led to concerns that the additional buffers from parks, day care-centers may severely limit where dispensaries can operate. After GIS analysis was completed on existing dispensaries, zoning, and sensitive uses, cities got a better picture of where marijuana dispensaries could locate.

Were planners involved in the creation of any restrictions or regulations that govern the siting of dispensaries?

Similar to Oregon, the implementation of recreational marijuana in Washington was a top-down approach that already had many provisions about regulation and buffers written into the original bill. Jurisdictions in Washington and Colorado have the authority to craft additional regulations and restrictions that are placed on dispensaries. In Kenmore, Washington, a city planner was involved in the implementation of recreational marijuana, and was the project manager that coordinated efforts between City Development Services, the City Attorney. In Boulder, Colorado they've assembled an entire team tasked with marijuana implementation, including the planning and zoning departments.

Has your respective jurisdiction spent any time considering how complaints or disagreements among dispensaries and residents might be handled or resolved?

All interviewees indicated their jurisdictions did have an avenue to resolve complaints or disagreements among dispensaries and residents, however not all cities will address marijuana related complaints at the city level. The enforcement of recreational marijuana in some aspects is largely done at the state level, if residents file a specific complaint against a dispensary it's likely it would be forwarded onto the state authorities. Valid complaints will be factored into whether or not a particular dispensary license is renewed.

In Kirkland, Washington neighbors began coming to city council meetings, which started as just a few people showing up to speak, but then soon after a lot of people started showing up to city council meetings. Kirkland ended up placing a six-month moratorium on marijuana businesses so they could begin to properly evaluate how to correctly regulate marijuana uses.

What are some challenges you think, as a planner, your city will have to address in the future regarding recreational marijuana dispensaries?

The legal marijuana industry is still in its infancy. There are many issues cities and Planners will have to tackle in the future. A brief list of responses are listed below:

- **Committees:** A review of city policies and procedures with respect to marijuana ordinances and licensing will have to be considered at certain intervals in the future in order to determine if the process is fair, and to determine if the enforcement and regulations are too harsh or just right.
- **Safety:** As the industry becomes more advanced in terms of marijuana production technology and personal consumption habits, cities will have to address concerns about the safety and fires concerns around using compressed gasses to obtain marijuana extracts.
- **Labeling:** Most cities and states have labeling and packing guidelines in place, but accidental overdose does occur. When marijuana products are labeled in ways that may appear to be kid friendly or have an unclear labeled dosage accidental overdoses can occur.
- **Revenues:** Cities that have permitted recreational marijuana are just now starting to receive the revenues associated with sales. If allocated revenues are not up to the amount a city was expecting they may consider loosening restrictions placed on dispensaries in order to boost marijuana related revenues.

- **Acceptance:** Cities may not face any challenges in the future with respect to recreational marijuana. Recreational marijuana was voted on and approved by the citizens of their respective state. Many see legalized marijuana as a non-issue.

Section 3: Local Planners

Local Planners (e.g., City of Eugene) were not able to provide specific details or plans that the city was currently addressing with respect to recreational marijuana. City staff instead agreed to discuss the general permitting and compliant process. The City of Eugene is waiting for direction from City Council with respect to marijuana regulations or restrictions. As it stands now, the City of Eugene does not plan to place any further restrictions on medical or recreational marijuana dispensaries other than what is already in place by OHA.

How does your city review recreational marijuana or medical permit applications? Can you explain the process?

Eugene treats marijuana dispensaries as special retail stores. Depending on the tenants space for a business there may or may not be requirements for permits. Eugene usually sees applicants file permits for things like partitioning walls or adding a bathroom, they're treated no different than a permit for any other business. As far as allowed uses are concerned, Eugene is looking at the zoning to make sure it's a permitted use within that zoning designation. For special retail, there generally won't be any issues in commercial or general office zones.

Aside from general building permits, Planners at Eugene usually receive notice of a proposed marijuana use from OLCC in the form a required Lane Use Compatibility Statement (LUCS). A LUCS is a required portion of the application for a marijuana business. After OLCC receives a complete application it then filters the application to the appropriate jurisdiction where the applicant wishes to locate their business. Local planning staff will determine if the location of the proposed use is in a permitted zone. If it is then the LUCS will be signed and approved and forwarded back onto OLCC for the continuation of the approval process.

Eugene is looking strictly at their land use code when verifying a LUCS. It's about local requirement depending on where the proposed use is located. The city is not checking where the location is in relation to anything around the proposed use. They're checking to make sure that at that particular site a special retail use is allowed. They're not checking anything beyond the address of the proposed use. Any other requirements related to marijuana uses will be dealt with at the state level.

So because there's no inspection of the buffers at the local level has that created a problem when the business opens and someone complains about it being near a school or something?

The City of Eugene hasn't received complaints about locations of marijuana dispensaries near schools. The complaints they are dealing with are mostly businesses that went ahead and chose a property without going through the state process, they just opened up, or maybe they went through the appropriate process and channels but made a lot of changes to the facility without securing the appropriate permits.

How would someone address complaints to the City of Eugene?

Residents wishing to file a complaint with the City of Eugene can do so through the city's online system, or in writing or through the city's complaint telephone line. If the complaint is in relation to a marijuana use that is operating without the appropriate permits or odor city officials will deal with it. The city will not check whether a marijuana business has an OLCC issued marijuana license.

The City of Eugene is enforcing existing rules. The City already has in place rules about odors and operating without permits. When the City contacts a business about a complaint, they're not calling because of the marijuana activity, they're calling because of the impacts.

Marijuana odor has been a problem in Eugene. A lot of the remedies involve upgrading the facilities mechanical systems that vent out the odor. The level of odor also depends on the use. A business that is processing marijuana is going to have a greater pungent odor associated with it than a marijuana dispensary.

Has your planning department seen an influx of land use permits relating to marijuana uses?

Eugene has seen a large increase in the number of marijuana related permits and requests for LUCS. A lot of applicants were attempting to their ducks in a row to begin the application process as soon as OLCC started accepting marijuana related applications on January 4th, 2016.

During a period approximately from mid-December 2015 to mid-February 2016 the City of Eugene has verified zoning requirements for 47 proposed locations. Of those sites, 14 proposed to grow (produce) marijuana, 4 proposed to process (manufacture) edibles or extracts, 14 proposed to sell marijuana, and 14 sites proposed a combination of these uses. There was 1 proposed laboratory for research and testing marijuana.

What are some issues you think as Local Planners that you will have to address in the future regarding recreational marijuana?

There may not be any issues. Planners and staff at the City of Eugene are not actively pursuing any additional restrictions or regulations for marijuana uses, they're leaving that up for City Council to decide. If City Council provides direction to the City then it will act. If changes are coming in the future with respect to marijuana use in Eugene, the question of whether or not the changes will create non-conforming uses or the changes will be applied retroactively to marijuana uses. These are issues and decisions City Council will have to make.

Eugene appears to offer a climate conducive to marijuana businesses. A lot of marijuana businesses have legal representation because they've often come into various conflicts and barriers when starting a marijuana business elsewhere. According to some businesses, that has not been the case in Eugene.

Interviewees indicated the demand for marijuana related businesses in Eugene has not slowed down. It's pretty shocking how much land inventory is consumed with either manufacturing or growing and retail. When you have all these uses consolidated the impacts, like smell, will be more difficult to determine which tenant they're coming from. There could be negative impacts the City is not anticipating.

Section 4: Neighborhood Association Chairs

Neighborhood association chair members were targeted as a research population group to determine the level of actual or perceived impacts marijuana dispensaries have had or may have on neighborhoods in the future.

On a scale of one to five (1-5), 5 being the most concerned, how concerned would your area be if dispensary opened in your neighborhood?

Overall, the neighborhood association chair members interviewed indicated their neighborhoods would not be concerned if a dispensary opened in their neighborhood. The majority of neighborhood association chair members gave a response of 1, stating they would not be concerned at all. The neighborhoods interviewed all currently have a marijuana dispensary, and it's generally viewed the same as a wine or liquor store. Responses indicated the ability for people to legally buy marijuana if they so wished was a good thing rather than pushing people into the black market to purchase marijuana.

There were a few issues brought up though. One neighborhood, not identified as a socioeconomically disadvantaged census tract, gave a response of 3, indicating their neighborhood would be somewhat concerned about the presence of a marijuana dispensary. In this particular neighborhood a marijuana dispensary is in the process of opening for business in close proximity to a child day care center. There is no regulation that prohibits a dispensary opening up near a day care center. The neighborhood association chair member feels these concerns about the location of a dispensary near a day care center stem more from the parents of the children more so than the owners of the day care center.

Another neighborhood was not particularly pleased with the building a dispensary chose to locate in. The building was formerly a home in the neighborhood and had historic value to the people of that neighborhood.

Has your neighborhood brought up any issues of how the siting of a dispensary near-by may impact them?

The neighborhood association chair members interviewed in this study did not identify any impacts that have occurred from a dispensary located in their neighborhood or if one were to locate. The neighborhoods all identified as being fairly liberal in their views and stance towards marijuana use. It's not seen as different from other commercial uses that are present in their neighborhoods.

Has your neighborhood experienced any issues with a medical marijuana dispensary?

The neighborhoods did not report experiencing any issues with a MMD prior to the legalization of marijuana for recreational use. In one instance an existing dispensary that had been strictly for patients holding a state issued medical marijuana license opted to participate in Oregon's early recreational marijuana sales and thus serve both medical and recreational customers.

Section 5: Marijuana Businesses

Marijuana business owners or dispensary managers were targeted as a key research population group. It's important to include the voice and opinions of marijuana businesses so that all stakeholders were represented.

What are your plans about switching to a recreational over medical come Dec 2016?

Both marijuana dispensaries interviewed are currently serving both medical and recreational customers. By the end of December 2016, OHA dispensaries must stop selling recreational marijuana. Businesses wishing to transition must make a decision whether or not they want to continue in the medical market alone or transition into the recreational market, managed by OLCC. An OLCC licensed dispensary will be able to sell both medical and recreational marijuana.

On a scale of 1-5, 5 being the most restrictive, how restrictive are the regulations placed on your business?

One business indicated a response of 1, not being restrictive at all. This business thought of itself as a pharmacy. The restrictions were on the medicinal product, in this case, marijuana. This business did not see that as out of the ordinary.

Another business, while not providing a specific measure of restriction did indicate that the 25% tax imposed on the business and marijuana were the most restrictive. This business receives a lot of customers that are not willing to spend that kind of money on marijuana, and find it ridiculous especially in Oregon, because customers are so used to paying no sales tax. The tax structure may be supporting the illegal market because customers are being driven out of the legal market because of high taxes. Seeking lower prices, customers may return to their previous social connections to obtain marijuana. The high taxes may be hurting entrepreneurs trying to start a marijuana business in Oregon, and preventing dispensaries from becoming a successful business. The legal marijuana market has much more to offer than the illegal market. It's important to the success of dispensaries to build and maintain a customer base because in dispensaries consumers have a wider variety of products to choose from and know that the product they're purchasing has been lab tested for mold and pesticides (Business, 2016).

Have you received any neighborhood pushback from the location of your business? Or do you expect to in the future?

One marijuana business reported experiencing no neighborhood pushback nor do they expect to. Another business received some relative pushback in the form of their signage displayed outside. The business did not want to create any conflicts or enemies and simply removed the signage.

On a scale of 1-5, 5 being the most difficult, how difficult was the process or ability to find a suitable location for your business?

Both dispensaries found the process or ability to find a location very easy. The same may not be true for other dispensaries. One dispensary was in a unique situation that made the process especially simple, due to a partnership of individuals that were already actively seeking to open up a retail marijuana dispensary and met a property owner in Oregon that was looking to open up a marijuana business in

Oregon. It just so happened the property owner's building met all the zoning requirements for a dispensary which made the process very easy.

Can you explain the process you went through? Filing with the city, getting your licenses, filing with OLCC?

One dispensary followed the established process as set forth by OLCC and OHA. The process they went through was easy. Another dispensary could not speak to this process, because the individual was involved.

What are your concerns as recreational marijuana business manager moving forward in Eugene?

One dispensary had no concerns as business manager or owner moving forward with recreational marijuana in Eugene. The OLCC, OHA, and the City of Eugene have been very supportive of our business. Another dispensary was concerned about the taxes placed on dispensaries, the level of competition, and number of dispensaries located in Eugene. The tax placed on dispensaries and customers is very constricting. The level of competition in Eugene is a major concern, there are 34 dispensaries within a 10-mile radius of one particular business serving a population of roughly 200,000-250,000 people. Instead of increasing taxes imposed on marijuana users, increase the barrier of entry for new marijuana dispensaries. This will bring the level of competition back to a healthier level.

Do you have any additional comments you'd like to add regarding the siting of recreational marijuana dispensaries?

It's a great opportunity for the whole marijuana industry, we're witnessing history. Society is making great strides with respect to the legalization of marijuana. It will be interesting in the future to see how the pharmaceutical companies react to the trend of marijuana legalization, what are they doing to do? How are big alcohol distributors going to react?

The issue of the financial regulatory structure surrounding marijuana is also a huge issue that will have to be dealt with very soon. In Oregon there are already some credit unions are willing to cooperate and do business with dispensaries, but since marijuana is still federal banned most financial institutions will not accept cash from a business that is engaged in an illegal activity. This creates a potentially dangerous situation that places dispensaries in a vulnerable state because of the large amounts of cash they manage on a day to day basis.

Chapter 5: Land Use Findings

This chapter will present the findings from GIS analysis to indicate where in Eugene dispensary can be located based on zoning and buffers. This chapter will also present the combined findings of the spatial distribution of existing marijuana dispensaries and how equitably their distributed throughout Eugene.

The rules and regulations regarding medical and recreational marijuana are constantly changing. Dispensaries are currently co-located, meaning authorized OHA registered medical marijuana dispensaries may sell limited amounts of recreational marijuana to any customer possessing a valid ID and 21-years of age or older. Per OAR 333-008 OHA registered medical marijuana dispensaries must be at least 1,000 feet away from another dispensary. This is the current guideline dispensaries are operating under. The suitable land analysis displayed in this chapter reflects the current 1,000 foot buffer from existing dispensaries and schools. Additional maps were prepared to show what the land use suitability would look like if OLCC or the City of Eugene chose not to impose a 1,000 foot buffer between OLCC licensed recreational marijuana dispensaries. This map can be found in Appendix B.

Land Available for Marijuana Dispensaries

In Eugene, marijuana dispensaries are considered special retail or referred to as “specialty store”. Special retail is permitted where it’s allowed per Eugene Code Chapter 9: Land Use. As a specialty store dispensaries are allowed in C-1 Neighborhood Commercial, C-2 Community Commercial, C-3 Major Commercial, GO General Office and certain Special Area Zones. In the C-1 and GO Zones, additional limitations may apply based on size and use of the building. In Special Area Zones, additional requirements may also apply (Eugene, 2016). Figure 11, below contains the number of tax lots eligible for a dispensary for each allowed zoning classification. Zoning classifications were verified by City of Eugene planning staff.

Zoning classification	Number of taxlots	Acres available
C-1	148	68.009381
C-2	793	848.325396
C-3	12	1.942594
GO	149	108.264931
S-C	117	17.418306
S-CN	45	52.2327
S-DW	59	8.583483
S-F	1	0.52772
S-H	12	6.046695
S-RN	1	28.349997
S-W	89	21.771694
S-WS	31	14.16036
Grand Total	1457	1175.633257

Figure 11. Eligible tax lots by zoning classification.

Medical and recreational marijuana dispensaries both exist in Eugene, and there are plenty of both. As of February 2016, there were 20 marijuana dispensaries in Eugene. It’s likely there are more than 20

now. One central research question this study intends to answer is how much land is available for marijuana dispensaries in Eugene? The map in Figure 14 below, displays tax lots in red that are eligible for the location of a marijuana dispensary based on allowed zoning and distance from schools and other existing dispensaries. This is the first map of its kind produced for Eugene. Other cities in their preliminary planning process with respect to legal marijuana implementation have already produced similar maps using similar methods.

Land Available for Dispensaries (ac)		
Characteristic	Number	Percent
Land	1,176	3.50%
Average lot size of existing dispensary	0.406	no data

Figure 12. Land available for dispensaries.

Tax Lots Available for Dispensaries		
Characteristics	Number	Percent
Eligible	1,457	2.29%
Ineligible	62,301	97.71%
Total tax lots	63,758	100.00%

Figure 13. Tax lots available for dispensaries

There are approximately 1,176 of the 34,194 acres of land available in Eugene that are eligible for the placement of a marijuana dispensary on it. Of the 20 dispensaries included in this study the average lot size they occupy is about 0.4 acres in size. The largest lot is 2.4 acres and the smallest is 0.07.

Of the 63,758 tax lots in Eugene 1,457 of them are eligible for the placement of a marijuana dispensary on it, this means it's possible 2.29% of Eugene's tax lots could be occupied with a marijuana dispensary. Based on the interviews conducted, finding land that is appropriately zoned has not been an issue at all to marijuana businesses. On the converse, business owners feel it may be too easy to find a location for a dispensary.

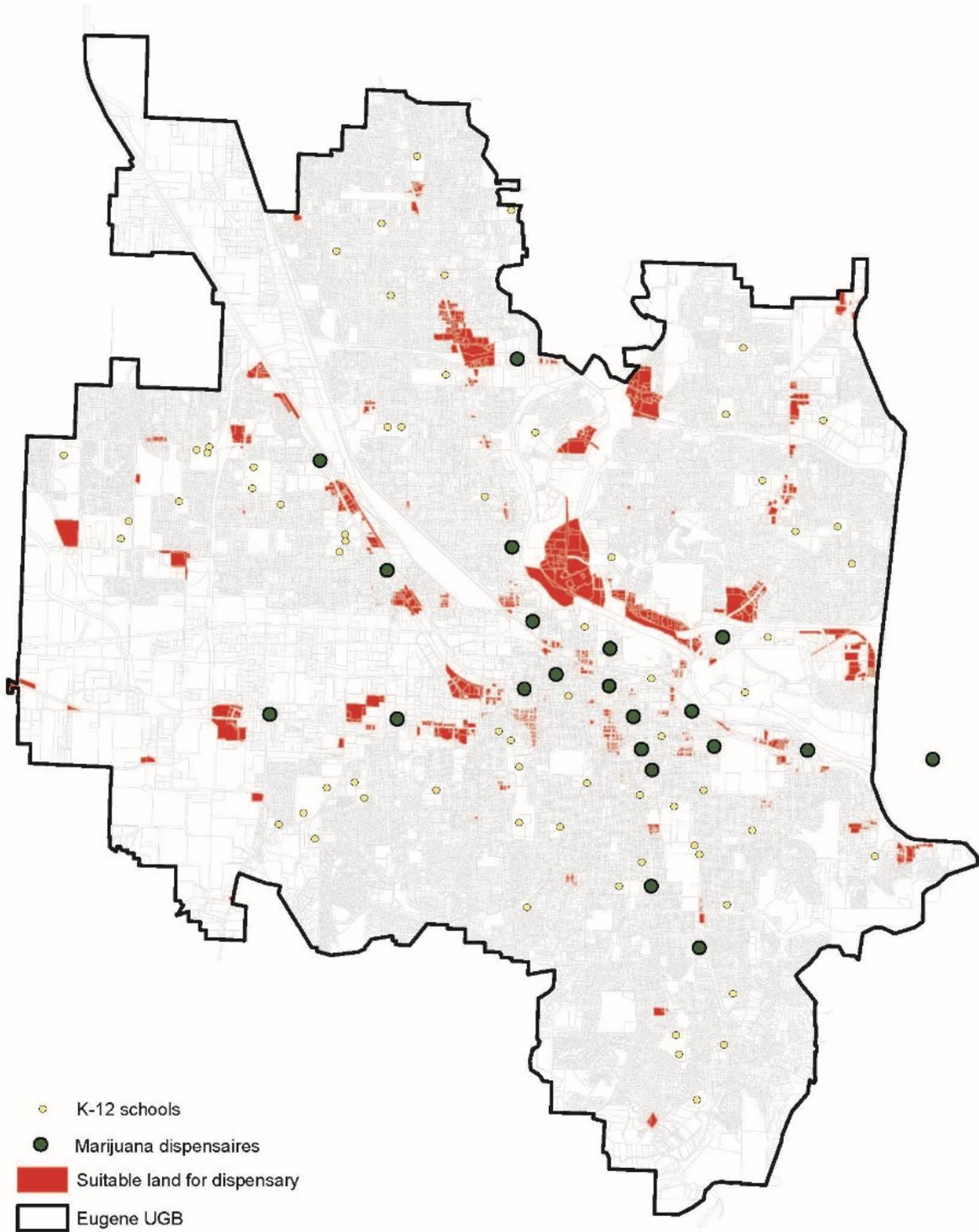


Figure 14. Spatial analysis of land available for dispensaries in Eugene.

Socially / Economically Disadvantaged Census Tracts (SED)

A socioeconomically disadvantaged tract as presented in the journal article “The Cannabis Conundrum” is one that meet all eight socioeconomically disadvantaged characteristics. A complete list of socioeconomically disadvantaged characteristics broken down by census tract can be found in Appendix A.

From the GIS analysis two census tracts in Eugene met the threshold for each of the eight socioeconomically disadvantaged characteristics. The two census tracts that are classified as socioeconomically are census tract 42 and 23.01. The location of the two tracts is shown in Figure 19.

SED TRACT				
Characteristic	% completed HS	% Employed	% in Professional Occupations	% In poverty
Census Tract 42	24.4	45.6	17.4	45
SED Characteristic Y or N	Y	Y	Y	Y
Median Income	% of housing units that are owner occupied	median value of owner occupied housing units	% bachelors or higher	Below SED? (below median or avg. in all 8 factors)
\$ 22,188.00	20.5	\$ 189,600.00	19.6	
Y	Y	Y	Y	Y (SED Tract) meets 8/8 characteristics

Figure 15. SED census tract 42.

SED TRACT				
Characteristic	% completed HS	% Employed	% in Professional Occupations	% In poverty
Census Tract 23.01	26.2	44.8	13.2	24
SED Characteristics Y or N	Y	Y	Y	Y
Median Income	% of housing units that are owner occupied	median value of owner occupied housing units	% bachelors or higher	Below SED? (below median or avg. in all 8 factors)
\$ 33,313.00	46.8	\$ 191,000.00	18.3	
Y	Y	Y	Y	Y (SED Tract) meets 8/8 characteristics

Figure 16. SED census tract 23.01

These two census tracts contain 6.45% of land eligible, with a total of 110 acres for dispensaries in Eugene. There are 94 total tax lots where dispensaries could potentially locate in these two SED census tracts. Even though these two census tracts are classified as being SED, there are only two dispensaries located in census tract 42 and none in census tract 23.01

Construct	Variables	Local measure	Census product
Income/wealth	Median household income	Below Eugene median of \$42,715	ACS, 2014
	Percentage of persons below poverty	Greater than Eugene average of 24.1%	ACS, 2014
	Median value of owner-occupied housing units	Below Eugene median of \$238,700	ACS, 2014
	Percentage of housing units that are owner occupied	Below Eugene average of 49.8%	ACS, 2014
Education	Percentage of adults 25 years and older who have completed high school	Below Eugene average of 19%	ACS, 2014
	Percentage of adults 25 years and older who have completed college	Below Eugene average of 22.6%	ACS, 2014
Occupation/employment	Percentage of persons 16 years and older in professional occupations	Below Eugene average of 27%	ACS, 2014
	Percentage employed	Below Eugene average of 54.3%	ACS, 2014

Figure 17. SED characteristics as presented in “The Cannabis Conundrum”.

Eligible Land for Dispensaries by SED Classification			
SED number classification	Percent of eligible land for dispensary	Tax lots eligible	Total acres available for dispensary (acres)
0	5.76%	84	15
1	22.10%	322	403
2	4.73%	69	92
3	19.14%	279	137
4	11.53%	168	152
5	6.03%	88	68
6	9.95%	145	66
7	14.27%	208	128
8	6.45%	94	110
Total		1457	1171
Percent of Eugene's total tax lots		2.28%	3.42%

Figure 18. Eligible and for dispensaries by SED classifications.

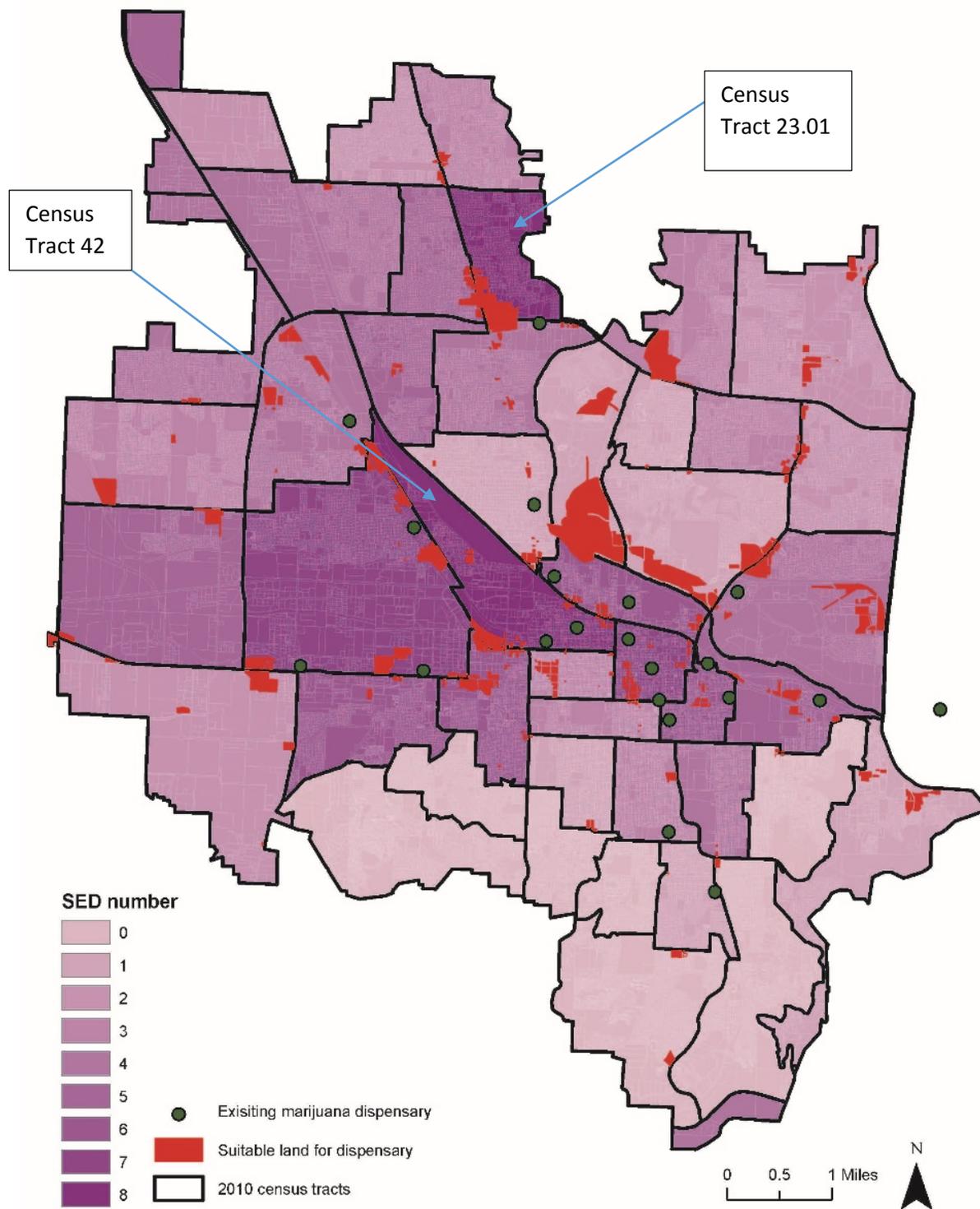


Figure 19. SED map displaying census tracts of Eugene on a spectrum of 0-8. Value of 8 indicates a SED tract.

Chapter 6: Future Research and Conclusion

This section will present ideas and topics for future research with respect to recreational marijuana on a broader scale. This section will also synthesize the findings from the GIS analysis and interviews conducted to explain what it all means for Oregon and Eugene as both move forward with recreational marijuana in the state.

Future Research

The topics for future research with respect to marijuana are virtually endless. It is the hope of the researcher of this report that the foundations laid for researching siting restrictions and regulations in Eugene and Oregon will inspire future students to think of their own research projects in the coming years. It's entirely feasible for a future student or research group to redo this research project with similar methods and research questions every few years to see if attitudes, opinions, laws, and perspectives are changing.

This research project's scope was to explore siting restrictions and regulations on recreational and medical marijuana dispensaries in Eugene. The topic of marijuana legalization has been hotly debated for decades. Research on marijuana in nearly all capacities remains limited due to its classification on the CSA. Once marijuana is federally delisted from the CSA, expect universities and colleges across the country to greenlight several marijuana related research topics.

Conclusion

Oregon as a whole and especially Eugene seem to provide a political, social, and economic climate that is conducive to the marijuana industry in Oregon. Based on the interview with City of Eugene staff, Eugene in particular seems to be a fine place for potential marijuana entrepreneurs to open business. This experience has not been the same for perspective marijuana entrepreneurs in other cities or states.

At this time, the buffers for OHA licensed medical marijuana dispensaries and OLCC licensed recreational marijuana dispensaries are different. OHA licensed dispensaries must be 1,000 feet apart from another OHA licensed dispensary and K-12 schools. There is no 1,000 foot buffer between OLCC licensed recreational dispensaries, only K-12 schools. This means, without a city enacting a local ordinance to place a buffer between OLCC recreational dispensaries, two dispensaries may locate next to each other. OLCC has not enacted a buffer between OLCC licensed dispensaries because they want to leave that decision up for local governments to decide.

Based on the socioeconomically disadvantaged analysis completed with the current 1,000 foot buffers between existing dispensaries and schools there is a difference in the socioeconomic disadvantaged analysis when no 1,000 foot buffer is factored in between future OLCC licensed retail dispensaries. While the percentage of eligible land increased for the two socioeconomically disadvantaged census tracts they did not increase much. The socioeconomically disadvantaged classification of 7 jumped from 14.27 percent of eligible land to 21.0 percent.

The GIS analysis indicates dispensaries are fairly concentrated in the downtown and university areas, but all dispensaries are abiding by the 1,000 buffer between dispensaries as to prevent a clustering effect. This has the potential to change in the future if the City of Eugene does not enact an ordinance that places a buffer distance between OLCC licensed recreational dispensaries. The location of current and future dispensaries seem to be a matter of traditional land use regulations partly imposed by OHA, OLCC

and the City of Eugene. It does not appear any other regulations or restrictions other than buffers and proper zoning are influencing the location of dispensaries.

The distribution of dispensaries in the two socioeconomically disadvantaged census tracts do not seem to be intentional by the business owners, or the City of Eugene. Rather, the explanation may be as simple as these two census tracts contained appropriate buildings with the necessary improvements already in place and were zoned appropriately. Census tract 42 is the Whiteaker district, a historical neighborhood ripe with culture and its own identity. Some may argue a dispensary located in the Whiteaker is not surprising at all, and it fits with the culture and identity of the Whiteaker.

There is no indication given the GIS analysis and interviews conducted that the siting of dispensaries are predatory in nature, meaning, they're purposely locating in areas of Eugene that are socioeconomically disadvantaged. The public health ramifications of recreational marijuana as a whole and on the neighborhood level are yet to be seen.

Neighbors and possibly Eugene in a larger context don't see recreational marijuana dispensaries as a bad thing at all. The neighborhood association chairs commented their respective members generally see marijuana the same as they see alcohol, and in some cases better.

Recreational marijuana is unprecedented in the U.S. and is still an illegal substance in the eyes of the federal government. One reason the topic of legalized marijuana is so intriguing is because of the battle it could potentially set up between the states and the federal government. A state has allowed for the legal production, sale and consumption of a substance that is an illegal drug, how will the federal government react to this? Will they infringe upon states' rights and the wishes of the voters? Or will they make the determination that the issue of legalized marijuana is a state issue and leave it up for the states to decide? For now, it seems like the latter is true. In the fall of 2016, voters in 20 states could potentially legalize some form of marijuana. The legalization movement seems to be shifting from a democrat or republican issue to a more dollars and sense issue. The 20 states that will be voting on marijuana in 2016, are not just along the western U.S. but cover the Midwest and Northeast that includes states such as Michigan, Ohio and Maine. Perhaps the biggest state yet to fall is California. If California were to vote legalize marijuana in 2016, that may be the last straw before the federal government removes marijuana from the CSA (Green, 2015).

Chapter 7: Recommendations

This chapter will come up with a set of recommendations the City of Eugene can use based on the interview data collected to consider as its implementing recreational marijuana in Eugene. This section can also serve as an avenue of communication between stakeholders to know what the other group's views and opinions are.

1. City of Eugene to consider adding 1,000 foot buffer between OLCC licensed retail dispensaries.
2. City of Eugene to consider adding child day-care centers to buffer list from marijuana dispensaries.
3. Eugene City Council start taking up work sessions involving local marijuana restriction and regulations.
4. Recreational marijuana dispensaries to obtain a business license.
5. State to monitor tax structure.

#1 City of Eugene to consider adding 1,000 foot buffer between OLCC licensed retail dispensaries.

If the City of Eugene wishes to keep the current restrictions that the state currently has on OHA medical marijuana dispensaries, in which a 1,000 foot buffer is required between dispensaries, then it should enact an ordinance for a 1,000 foot buffer between OLCC licensed retail dispensaries. Nowhere in the administrative rules that govern OLCC licensed retail dispensaries does it state a 1,000 foot buffer is required between retail dispensaries. Currently, all Eugene marijuana dispensaries are abiding by the 1,000 foot buffer, but when OLCC licensed retail dispensaries separate from OHA medical marijuana dispensaries there is nothing preventing two OLCC licensed retail dispensaries from locating within a 1,000 feet of each other.

#2 City of Eugene consider adding child day-care centers to buffer list from marijuana dispensaries.

While neighborhood association chairs largely had experienced no negative impacts from dispensaries' that are currently located in their neighborhood, there was an instance where strife between dispensary owners, day-care owners, and parents of child whom attended day-care could have been avoided if a buffer were in place between marijuana dispensaries' and day-care centers. There is also a security concern with locating a business that is largely a cash-only next to a sensitive use. Fortunately, there have been no reports of robberies of dispensaries in Eugene, but the potential exists when a business has large amounts of cash on hand at any one time.

#3 Eugene City Council start taking up work sessions involving local marijuana restriction and regulations.

The current restrictions and regulations placed on marijuana dispensaries' seem to be appropriate at this time. Only two dispensaries are currently located in SED tracts. Because recreational marijuana is so new, it might benefit City Council to start thinking about how recreational marijuana will look in terms of location of dispensaries', complaints and the distribution of dispensaries', in one, three, or five years

from now. City planners and staff from Washington and Colorado started planning for recreational marijuana policy and local implementation immediately after it was passed in their respective states.

#4 Recreational marijuana dispensaries to obtain a business license.

Based off the research conducted in other states and cities that allow recreational marijuana, all locations require recreational marijuana dispensaries to obtain a business license to operate within the respective city. By requiring a recreational marijuana dispensary to obtain a business license, Eugene is in a position to recover some costs associated with the increased work demand that the recreational marijuana industry has placed on city staff and resources. In May 2016, the City of Springfield, Oregon adopted a yearly business license for recreational dispensaries to the amount of \$2,000. Springfield is projecting to have 7 recreational dispensaries, this is potentially a \$14,000 source of revenue for Springfield that can be put toward increased staff and resources dedicated to marijuana licensing and permitting. The City of Boulder requires a city business license in order to track sales tax remittance in an effective and efficient manner. If the City of Eugene decides to impose a 3 percent tax on retail sales, a required business license may allow for better tracking and collection of sales tax for recreational sales. The cities of Portland, Springfield, Seattle, Kirkland, Kenmore, and Boulder all require city business licenses; the recommendation of a city business license is not a new thing to the marijuana industry.

#5 State to monitor tax structure.

While Oregon broke sales records during the first week of recreational sales, responses from interviewees indicate there may still be more supply of marijuana than meets the demand. The current 25% tax may still be pushing marijuana customers to the black market because they still buy marijuana cheaper from an illegal dealer than from a licensed dispensary. In addition to the 25% tax assessed at point of sale, the producer pays a 35\$ per ounce tax. For a comparison, Washington assess a 25% tax at each point of sale (wholesale and retail) and Colorado assess a 15% excise tax in addition to sales taxes. A comparison chart of taxes, local control and other information can be found in Appendix A.

The tax on marijuana will decrease in 2017, to 17%, at which time local jurisdictions can impose an additional 3% sales tax. It is too early to indicate whether the taxes imposed on marijuana are pushing customer to the black market. The Oregon legislature has set the base tax rate at 17%, in order for it to be adjusted it would have to be through a legislative act. OLCC and policy makers in Salem should continue to monitor recreational and black market sales to see whether or not the base tax rate needs to be adjusted.

Appendix A: Tables

Oregon/Washington/Colorado Comparison

	Oregon	Washington	Colorado
Tax Rate	\$35 per ounce, paid by the producer. State has exclusive right to tax.	25% at each point of sale (wholesale and retail).	15% excise tax at wholesale in addition to sales taxes.
Retail and Wholesale	Licensed entities may sell at both wholesale and retail.	Licensed entities are prohibited from selling at wholesale and retail.	For initial roll-out, retailers were required to produce 70% of their own product. (Provision expired 10/1/14.)
Home Cultivation	4 plants.	Prohibited.	6 plants total, 3 mature plants.
DUII	OLCC required to report to legislature.	Per se intoxication at 5ng THC/mL of blood.	Per se intoxication at 5ng THC/mL of blood.
Local Control	The measure pre-empts any local ordinances. Local governments may adopt time, place and manner regulations but may prohibit recreational marijuana businesses only via general election.	Washington AG has declared that local governments are not pre-empted from adopting ordinances that prohibit recreational marijuana businesses.	Local governments may prohibit marijuana businesses.
Number or Licenses	The measure does not limit the number of licenses that may be issued.	Retail licenses capped at 334 for the state.	No limit on total number of licenses.
Medical Marijuana	Not addressed.	Not addressed.	For initial roll-out, only licensed medical dispensaries were allowed to apply for retail licenses. (Provision expired 10/1/14.)

Object_ID	Name	Lat	Long
OD1	Eugene OG	44.04624	-123.062359
OD2	Amazon Organics	44.019428	-123.081207
OD3	Terpine Station	44.072052	-123.118125
OD4	Oregon Medigreen	44.053937	-123.099318
OD5	Next Level Wellness	44.027483	-123.090454
OD6	Track Town Collective	44.045521	-123.039187
OD7	Emerald City Medicinal Delivery	44.053239	-123.115012
OD8	The Greener Side	44.04294	-123.090935
OD9	The People's Wellness Center	44.060892	-123.078729
OD10	LJ's Medicinal Destination	44.048678	-123.138365
OD11	Cannabliss and Co.	44.050927	-123.083956
OD12	Oregon Microgrowers Guild	44.062246	-123.113856
OD13	The Herbal Centre	44.097139	-123.118215
OD14	Sweet Tree Farms	44.04879	-123.161886
OD15	Green Health Associates	44.068414	-123.14105
OD16	Twenty After Four Wellness	44.055292	-123.10924
OD17	Flowr of Lyfe	44.049993	-123.094699
OD18	Eugene Compassionate Caregivers	44.058967	-123.099408
OD19	TJ's Kind Care	44.082768	-123.154008
OD20	Jamaica Joel's	44.045642	-123.093086
OD21	Caspers Cannabis Club	44.04631	-123.079644

Zoning			Buffers				Dispensaries	
Locations	Permitted	Prohibited	Schools	Residential areas	Other dispensaries	other sensitive facilities	Total number	City business License required (Y/N)
Eugene	Commercial, Special Area, General Office, Mixed Use Employment, Light-medium Industrial	Residential	1,000	no data	1000 (medical only)	no data	26	N
Springfield	Community Commercial, Major Retail Commercial	Neighborhood Commercial, General Office	1,000	50	1000 (medical only)	500 feet from: parks	8	Y
Portland	General Commerical, Central Commerical, Storefront Commerical, Mixed Commerical/Residentail, General Employment, General Industrial	Residential	1,000	no data	1000 (medical only)	no data	167	Y
Seattle	All zones if the acitivity meets certain requirements	Residential, Neighborhood Commercial, Downtown Zones	1,000	no data	Max of two within 1,000	1000 feet from: child care centers, game arcades, libraries, public parks, public transit centers, recreation center. Cities may reduce distance to 100 feet.	*54	Y
Kirkland	Regional Business, Urban Corridor, Waterfront Commercial	Residential	1,000	200	no data	1,000 feet from: recreation centers, child care centers, public parks, public transit centers, libraries	3	Y
Kenmore	Business zones	Residential	1,000	200	1000 (any marijuana activity)	1,000 feet from: playground, recreation center, child care center, public park, public transit center, library, game arcade, properties under contract by a public entity	1	Y
Boulder	Permitted zone district for "personal service"	Residential	1,000	no data	500	1,000 feet from: college, university, day care center, addiction recovery facility	79	Y

*Seattle in process of licensing all marijuana dispensaries. Actual figure is likely much higher.

Census Tract	% completed HS	% Employed	% in Professional Occupations	% In poverty	Median Income	% of housing units that are owner occupied	median value of owner occupied housing units	% bachelors or higher	Below SED? (below median or avg. in all 8 factors)
Census Tract 10.01	32.8	50	14.7	24	\$ 42,823.00	84.6	\$ 273,700.00	23.5	N (not a SED Tract) meets 4/8 characteristics
SED Characteristics Y or N	Y	Y	Y	Y	N	N	N	N	
Census Tract 10.02	22.4	59.8	19.7	10	\$ 62,368.00	71.5	\$ 376,200.00	34.2	
SED Characteristics Y or N	Y	N	Y	N	N	N	N	N	N (not a SED Tract) meets 2/8 characteristic
Census Tract 11.01	24.6	53.3	24.1	9	\$ 60,551.00	83.8	\$ 223,300.00	23.3	
SED Characteristics Y or N	Y	Y	Y	N	N	N	Y	N	N (not a SED Tract) meets 4/8 characteristics
Census Tract 21.01	36.7	47.4	16	28	\$ 33,922.00	48.3	\$ 186,700.00	13.9	
SED Characteristics Y or N	Y	Y	Y	Y	Y	Y	Y	Y	Y (SED Tract) meets 8/8 characteristics
Census Tract 21.02	26.8	56.3	11.5	27	\$ 34,750.00	36.4	\$ 138,600.00	13.6	
SED Characteristics Y or N	Y	N	Y	Y	Y	Y	Y	Y	N (not a SED Tract) meets 7/8 characteristics
Census Tract 22.01	16.1	52.5	19.7	6	\$ 60,071.00	78.5	\$ 231,200.00	39.4	
SED Characteristics Y or N	N	Y	Y	N	N	N	Y	N	N (not a SED Tract) meets 3/8 characteristics
Census Tract 22.02	19.2	54.4	23	17	\$ 56,060.00	63.1	\$ 254,700.00	36.6	
SED Characteristics Y or N	Y	N	Y	N	N	N	N	N	N (not a SED Tract) meets 2/8 characteristics
Census Tract 23.01	26.2	44.8	13.2	24	\$ 33,313.00	46.8	\$ 191,000.00	18.3	
SED Characteristics Y or N	Y	Y	Y	Y	Y	Y	Y	Y	Y (SED Tract) meets 8/8 characteristics
Census Tract 23.02	23.7	61.7	16.6	16	\$ 64,199.00	74	\$ 205,500.00	22.7	
SED Characteristics Y or N	Y	N	Y	N	N	N	Y	N	N (not a SED Tract) meets 3/8 characteristics

Census Tract	% completed HS	% Employed	% in Professional Occupations	% In poverty	Median Income	% of housing units that are owner occupied	median value of owner occupied housing units	% bachelors or higher	Below SED? (below median or avg. in all 8 factors)
Census Tract 24.01	19.5	59.9	18	17	\$ 67,098.00	87	\$ 247,500.00	29.1	
SED Characteristics Y or N	Y	N	Y	N	N	N	N	N	N (not a SED Tract) meets 2/8 characteristics
Census Tract 24.03	20.7	62.2	16	5	\$ 62,098.00	84.4	\$ 225,600.00	21.5	
SED Characteristics Y or N	Y	N	Y	N	N	N	Y	Y	N (not a SED Tract) meets 4/8 characteristics
Census Tract 24.04	24.6	51.8	17.6	11	\$ 53,207.00	68.6	\$ 201,600.00	18.1	
SED Characteristics Y or N	Y	Y	Y	N	N	N	Y	Y	N (not a SED Tract) meets 5/8 characteristics
Census Tract 25.01	26.8	61.6	18.5	22	\$ 47,795.00	66.9	\$ 159,300.00	15.2	
SED Characteristics Y or N	Y	N	Y	N	N	N	Y	Y	N (not a SED Tract) meets 4/8 characteristics
Census Tract 25.03	23.4	58.8	21.6	15	\$ 63,663.00	68.3	\$ 183,700.00	23.1	
SED Characteristics Y or N	Y	N	Y	N	N	N	Y	N	N (not a SED Tract) meets 3/8 characteristics
Census Tract 25.04	30.3	60.5	15.4	13	\$ 35,288.00	60.7	\$ 158,300.00	12.8	
SED Characteristics Y or N	Y	N	Y	N	Y	N	Y	Y	N (not a SED Tract) meets 5/8 characteristics
Census Tract 26	29.1	58.3	11.5	13	\$ 45,257.00	50.7	\$ 161,200.00	14	
SED Characteristics Y or N	Y	N	Y	N	N	N	Y	Y	N (not a SED Tract) meets 4/8 characteristics
Census Tract 27	32.5	48.8	18.6	21	\$ 44,354.00	62.4	\$ 184,100.00	18.2	
SED Characteristics Y or N	Y	Y	Y	N	N	N	Y	Y	N (not a SED Tract) meets 5/8 characteristics

Census Tract	% completed HS	% Employed	% in Professional Occupations	% In poverty	Median Income	% of housing units that are owner occupied	median value of owner occupied housing units	% bachelors or higher	Below SED? (below median or avg. in all 8 factors)
Census Tract 28	26.7	57.2	21.2	8	\$ 42,368.00	59.6	\$ 199,900.00	28.2	
SED Characteristic Y or N	Y	N	Y	N	Y	N	Y	N	N(not a SED Tract) meets 4/8 characteristics
Census Tract 29.02	20.3	59.3	32.8	18	\$ 50,102.00	46.4	\$ 235,800.00	33.4	
SED Characteristic Y or N	Y	N	N	N	N	Y	Y	N	N(not a SED Tract) meets 3/8 characteristics
Census Tract 29.03	6.9	58.7	23.3	2	\$ 71,602.00	68.8	\$ 255,400.00	51.5	
SED Characteristic Y or N	N	N	Y	N	N	N	N	N	N(not a SED Tract) meets 1/8 characteristics
Census Tract 29.04	13.5	62	33	12	\$ 40,956.00	22.2	\$ 247,500.00	50.8	
SED Characteristic Y or N	N	N	N	N	Y	Y	N	N	N(not a SED Tract) meets 1/8 characteristics
Census Tract 30	15.5	57.7	24.4	4	\$ 59,013.00	58.9	\$ 302,200.00	44.4	
SED Characteristic Y or N	N	N	Y	N	N	N	N	N	N(not a SED Tract) meets 1/8 characteristics
Census Tract 31.01	18.1	50.4	33.8	20	\$ 45,096.00	58.1	\$ 261,300.00	34.1	
SED Characteristic Y or N	N	Y	N	N	Y	N	N	N	N(not a SED Tract) meets 2/8 characteristics
Census Tract 31.02	14.6	43.6	27.9	44	\$ 21,237.00	31.5	\$ 279,900.00	41.1	
SED Characteristic Y or N	N	Y	N	Y	Y	Y	N	N	N(not a SED Tract) meets 4/8 characteristics
Census Tract 32.01	32.2	60.8	12.4	37	\$ 29,458.00	45.8	\$ 144,300.00	17	
SED Characteristic Y or N	Y	N	Y	Y	Y	Y	Y	Y	N(not a SED Tract) meets 7/8 characteristics

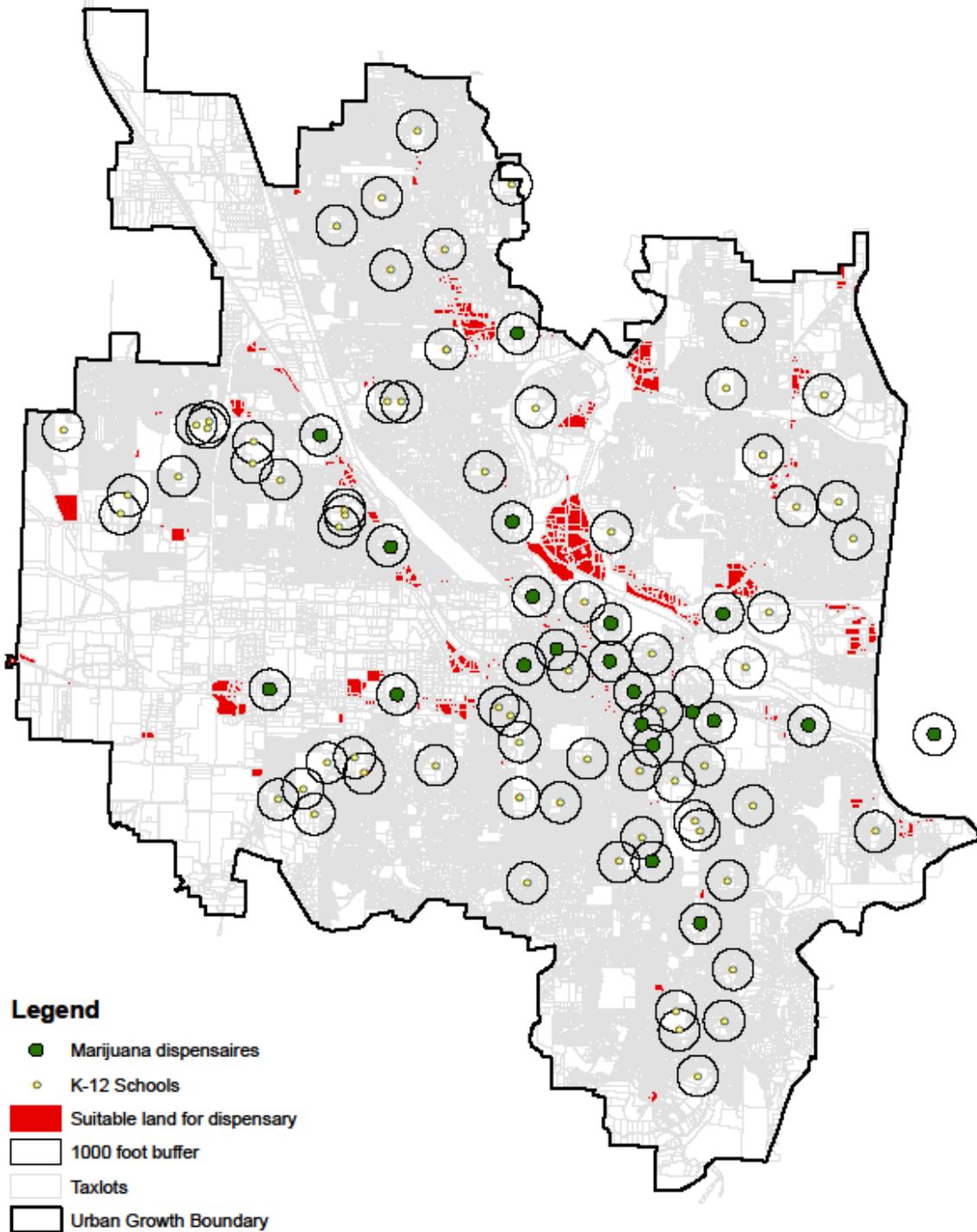
Census Tract	% completed HS	% Employed	% in Professional Occupations	% In poverty	Median Income	% of housing units that are owner occupied	median value of owner occupied housing units	% bachelors or higher	Below SED? (below median or avg. in all 8 factors)
Census Tract 32.02	23.4	55.7	27.2	18	\$ 40,675.00	45.8	\$ 234,700.00	27.6	N (not a SED Tract) meets 4/8 characteristics
SED Characteristic Y or N	Y	N	N	N	Y	Y	Y	N	
Census Tract 36	19	56.3	33	22	\$ 41,563.00	69.3	\$ 285,800.00	41.9	N (not a SED Tract) meets 1/8 characteristics
SED Characteristic Y or N	N	N	N	N	Y	N	N	N	
Census Tract 37	13.8	30	18.1	55	\$ 24,861.00	18.3	\$ 364,600.00	61.2	N (not a SED Tract) meets 5/8 characteristics
SED Characteristic Y or N	N	Y	Y	Y	Y	Y	N	N	
Census Tract 38	27.4	41.8	22.5	81	\$ 7,720.00	1.4	\$ 259,600.00	35.1	N (not a SED Tract) meets 6/8 characteristics
SED Characteristic Y or N	Y	Y	Y	Y	Y	Y	N	N	
Census Tract 39	20.7	44.4	28.4	42	\$ 15,701.00	0.7	0	40.3	N (not a SED Tract) meets 7/8 characteristics
SED Characteristic Y or N	Y	Y	Y	Y	Y	Y	Y	N	
Census Tract 4.04	35.5	54.7	13.8	20	\$ 39,135.00	57.9	\$ 207,700.00	18.5	N (not a SED Tract) meets 5/8 characteristics
SED Characteristic Y or N	Y	N	Y	N	Y	N	Y	Y	
Census Tract 40	20.8	52.6	25.7	36	\$ 21,810.00	17	\$ 239,800.00	26	N (not a SED Tract) meets 6/8 characteristics
SED Characteristic Y or N	Y	Y	Y	Y	Y	Y	N	N	
Census Tract 41	15.6	64.9	29.9	17	\$ 52,038.00	63.1	\$ 208,600.00	33.8	N (not a SED Tract) meets 1/8 characteristics
SED Characteristic Y or N	N	N	N	N	N	N	Y	N	

Census Tract	% completed HS	% Employed	% in Professional Occupations	% In poverty	Median Income	% of housing units that are owner occupied	median value of owner occupied housing units	% bachelors or higher	Below SED? (below median or avg. in all 8 factors)
Census Tract 42	24.4	45.6	17.4	45	\$ 22,188.00	20.5	\$ 189,600.00	19.6	
SED Characteristic Y or N	Y	Y	Y	Y	Y	Y	Y	Y	Y (SED Tract) meets 8/8 characteristics
Census Tract 43	29.3	46.8	13.6	25	\$ 32,323.00	58.4	\$ 142,900.00	11.5	
SED Characteristic Y or N	Y	Y	Y	Y	Y	N	Y	Y	N (not a SED Tract) meets 7/8 characteristics
Census Tract 44.01	26.7	53.4	17.8	23	\$ 36,955.00	42.6	\$ 190,900.00	34.9	
SED Characteristic Y or N	Y	Y	Y	N	Y	Y	Y	N	N (not a SED Tract) meets 6/8 characteristics
Census Tract 44.03	29.4	54.9	22	37	\$ 29,044.00	35.1	\$ 164,500.00	28.3	
SED Characteristic Y or N	Y	N	Y	Y	Y	Y	Y	N	N (not a SED Tract) meets 6/8 characteristics
Census Tract 44.04	12	68.2	29.3	8	\$ 72,361.00	78.5	\$ 279,700.00	51	
SED Characteristic Y or N	N	N	N	N	N	N	N	N	N (not a SED Tract) meets 0/8 characteristics
Census Tract 44.05	13.2	57.8	38.2	7	\$ 87,571.00	85.4	\$ 306,100.00	56.4	
SED Characteristic Y or N	N	N	N	N	N	N	N	N	N (not a SED Tract) meets 0/8 characteristics
Census Tract 45.01	8.6	69.3	27.9	31	\$ 30,129.00	23.3	\$ 266,700.00	60.5	
SED Characteristic Y or N	N	N	N	Y	Y	Y	N	N	N (not a SED Tract) meets 3/8 characteristics
Census Tract 45.02	18	59.8	35.1	32	\$ 30,087.00	26.3	\$ 216,200.00	41.1	
SED Characteristic Y or N	N	N	N	Y	Y	Y	Y	N	N (not a SED Tract) meets 3/8 characteristics

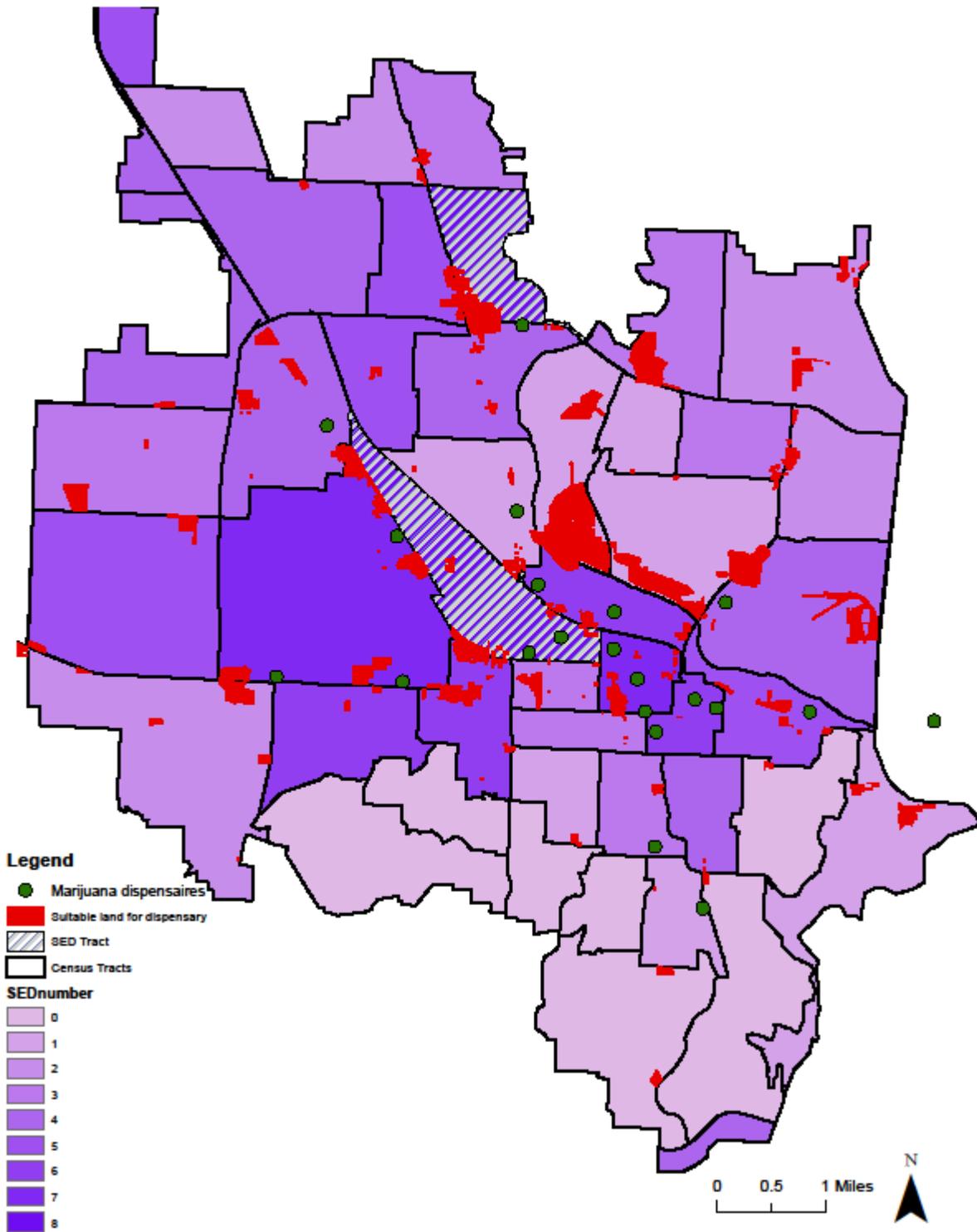
Census Tract	% completed HS	% Employed	% in Professional Occupations	% In poverty	Median Income	% of housing units that are owner occupied	median value of owner occupied housing units	% bachelors or higher	Below SED? (below median or avg. in all 8 factors)
Census Tract 46	14.4	65.8	35.5	10	\$ 46,333.00	53.5	\$ 232,100.00	52.2	
SED Characteristic Y or N	N	N	N	N	N	N	Y	N	N (not a SED Tract) meets 1/8 characteristics
Census Tract 47	9.1	58.5	35.8	31	\$ 36,292.00	45.6	\$ 347,900.00	59.7	
SED Characteristic Y or N	N	N	N	Y	Y	Y	N	N	N (not a SED Tract) meets 3/8 characteristics
Census Tract 48	6.5	48.6	32.1	66	\$ 12,326.00	18.5	\$ 342,000.00	58	
SED Characteristic Y or N	N	Y	N	Y	Y	Y	N	N	N (not a SED Tract) meets 4/8 characteristics
Census Tract 49	5.7	60	46.2	24	\$ 66,050.00	56.4	\$ 414,200.00	74.4	
SED Characteristic Y or N	N	N	N	N	N	N	N	N	N (not a SED Tract) meets 0/8 characteristics
Census Tract 50	8.6	55.4	47.4	12	\$ 52,983.00	61.8	\$ 272,000.00	69.2	
SED Characteristic Y or N	N	N	N	N	N	N	N	N	N (not a SED Tract) meets 0/8 characteristics
Census Tract 51	13.7	61.7	38.7	22	\$ 42,196.00	50	\$ 245,700.00	51.6	
SED Characteristic Y or N	N	N	N	N	Y	N	N	N	N (not a SED Tract) meets 1/8 characteristics
Census Tract 52	7.9	58.7	41.7	9	\$ 67,934.00	65.2	\$ 305,900.00	68.4	
SED Characteristic Y or N	N	N	N	N	N	N	N	N	N (not a SED Tract) meets 0/8 characteristics
Census Tract 53	12.5	53.7	32.6	12	\$ 65,188.00	81.3	\$ 275,500.00	54.1	
SED Characteristic Y or N	1	N	N	N	N	N	N	N	N (not a SED Tract) meets 0/8 characteristics
Census Tract 54	8.44	57.4	38	7	\$ 84,085.00	81.4	\$ 283,300.00	68.8	
SED Characteristic Y or N	1	N	N	N	N	N	N	N	N (not a SED Tract) meets 0/8 characteristics

Appendix B: Maps

Land Available for Marijuana Dispensaires (with buffers shown)

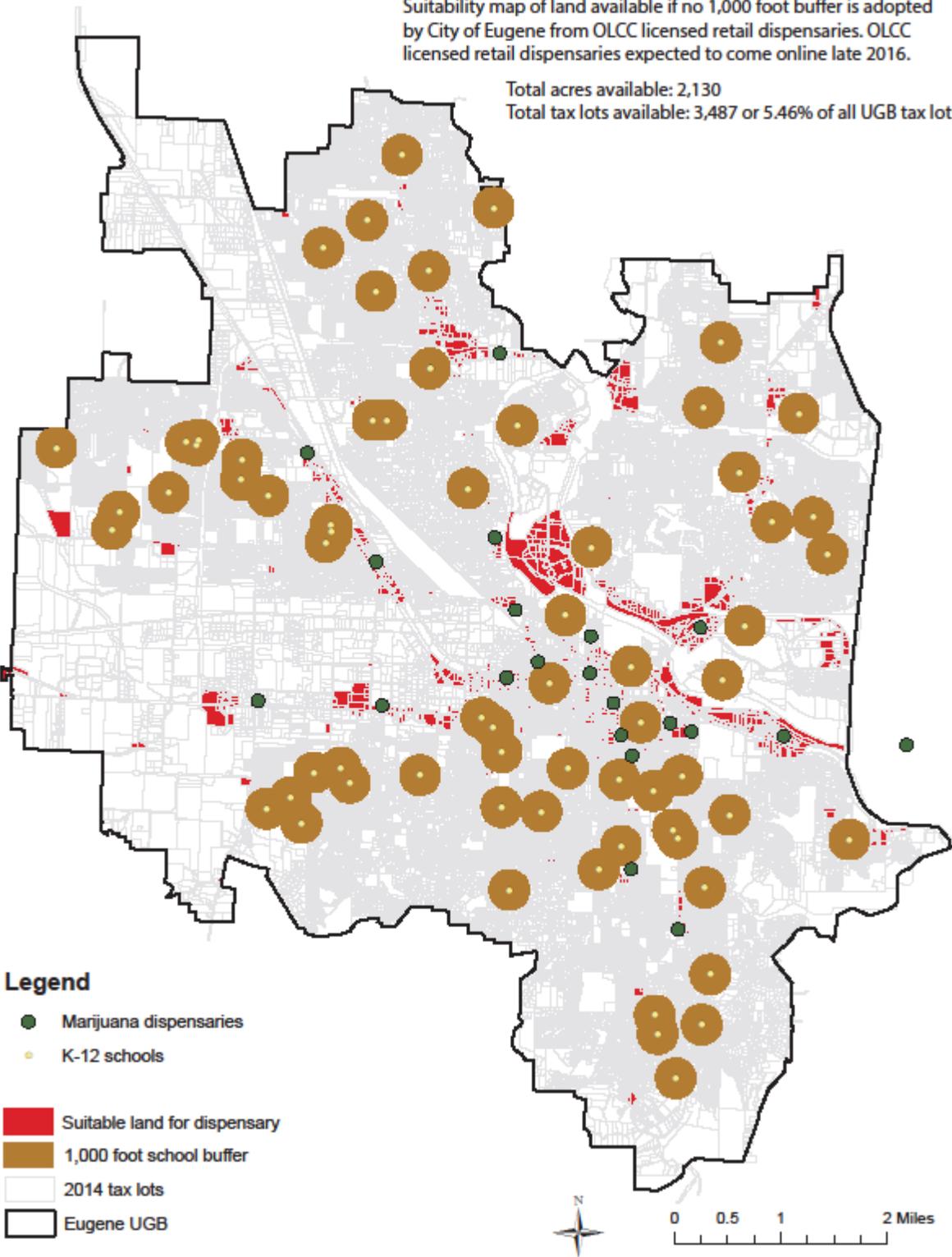


SED Classification Map



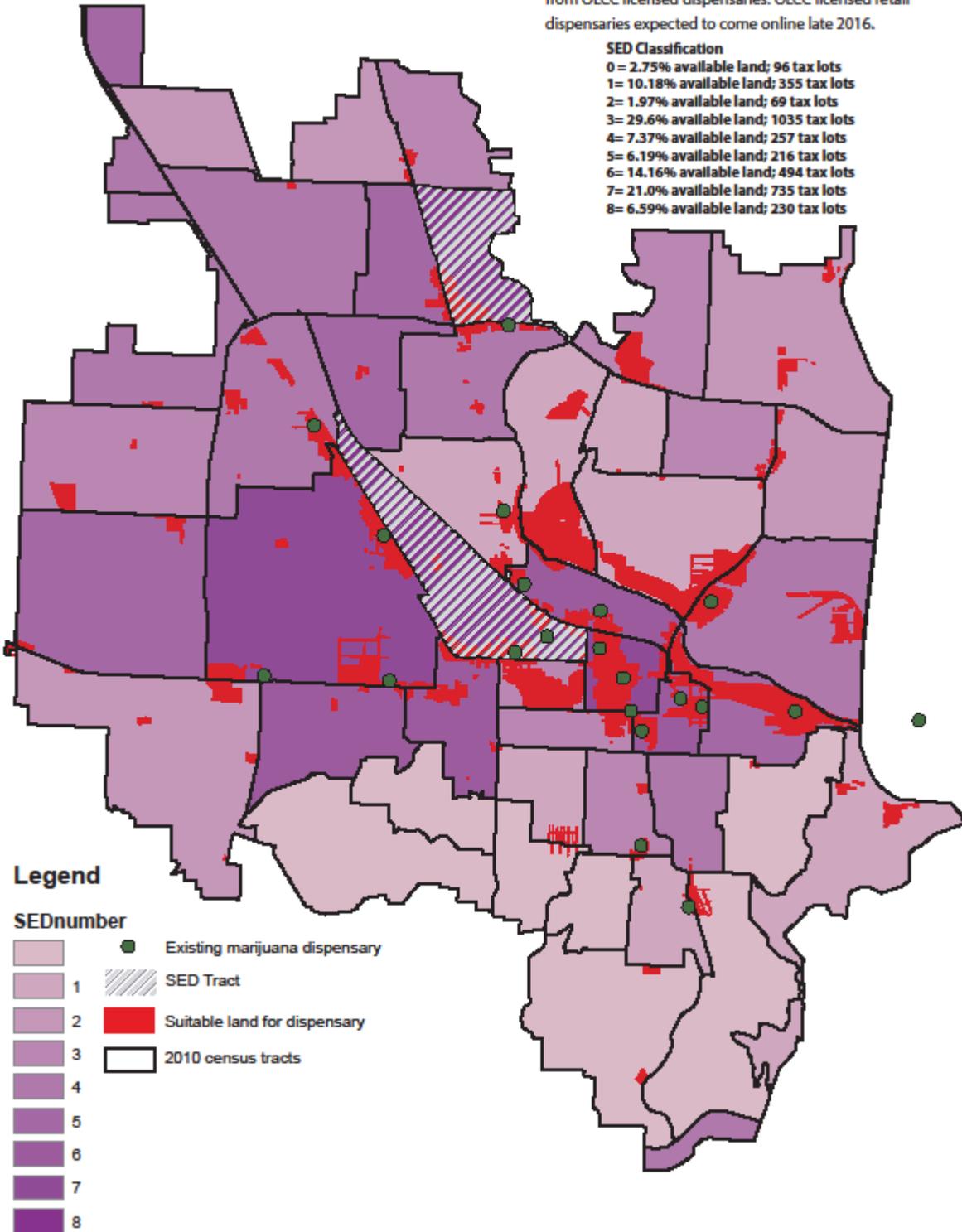
Suitability map of land available if no 1,000 foot buffer is adopted by City of Eugene from OLCC licensed retail dispensaries. OLCC licensed retail dispensaries expected to come online late 2016.

Total acres available: 2,130
Total tax lots available: 3,487 or 5.46% of all UGB tax lots



SED map of land available per SED classification if City of Eugene does not adopt a 1,000 foot buffer from OLCC licensed dispensaries. OLCC licensed retail dispensaries expected to come online late 2016.

SED Classification
 0 = 2.75% available land; 96 tax lots
 1 = 10.18% available land; 355 tax lots
 2 = 1.97% available land; 69 tax lots
 3 = 29.6% available land; 1035 tax lots
 4 = 7.37% available land; 257 tax lots
 5 = 6.19% available land; 216 tax lots
 6 = 14.16% available land; 494 tax lots
 7 = 21.0% available land; 735 tax lots
 8 = 6.59% available land; 230 tax lots



Legend

- SEDnumber**
- Existing marijuana dispensary
 - SED Tract
 - Suitable land for dispensary
 - 2010 census tracts
 - 1
 - 2
 - 3
 - 4
 - 5
 - 6
 - 7
 - 8

Appendix C: Interview Questions

Policy Maker

1. Has any thought gone into the spatial distribution of dispensaries based on restrictions?
 - a. If so, what?
2. Who was involved in the process in the creation of restrictions and regulations on the siting of recreational dispensaries?
3. What review process does your department go through when it receives a permit for a dispensary?
4. Who enforces the restrictions and regulations placed on recreational or medical marijuana dispensaries?
5. In your opinion, what are some issues cities will have to address in the future regarding recreational marijuana?

Out of state Planner

1. What challenges did your department identify that needed analysis or to be addressed prior to the legalization of recreational marijuana?
2. Has any thought or planning gone into the spatial distribution of dispensaries?
 - a. If so, what?
3. Were planners involved in the creation of any restrictions or regulations that govern the siting of dispensaries?
4. Has your respective jurisdiction spent any time considering how complaints or disagreements among dispensaries and residents might be handled or resolved?
 - a. Is there an avenue for filing these complaints?
5. What are some challenges you think, as a planner, your city will have to address in the future regarding recreational marijuana dispensaries?
 - a. Do you see any future opportunities regarding the legalization of marijuana?

Local Planner

1. What, if any, projects has your department initiated around the implementation of Measure 91 in Eugene?

2. In your opinion, how can Eugene honor the voters' choices versus the rights of property owners, marijuana business, and the public at large?
3. How does your city review recreational medical or recreation marijuana dispensary permit applications?
 - a. Can you explain the process to me?
4. Were planners involved in the creation of any restrictions or regulations that govern the siting of dispensaries?
5. How would the city respond if dispensaries overwhelmingly become located in socially/economically disadvantaged areas?
 - a. How might the City respond to this?
6. Has any thought gone into how complaints or disagreements among dispensaries and residents might be handled or resolved?
 - a. Is there an avenue for filing these complaints?
7. What are some issues you think, as a planner will have to address in the future regarding recreational marijuana dispensaries?

Neighborhood Council Chair

1. On a scale of one to five (1-5), 5 being the most concerned, how concerned would your area be if a dispensary opened in your neighborhood?
 - a. Can you explain your response?
2. Has your neighborhood brought up any issues of how the siting of a dispensary near-by may impact them?
3. Has your neighborhood experienced any issues with a medical marijuana dispensary?

Business owner

1. What are your intentions or plans about switching to a recreational dispensary over a medical one come December 2016?
2. On a scale of one to five (1-5), 5 being the most, how restrictive are the regulations placed on your business?
3. Have you received any neighborhood pushback from the location of your business? Or do you expect to?
4. On a scale of one to five (1-5) how difficult have you found the process of locating your business to be? 5 being the most difficult?

- a. Can you explain the process you went through?
5. Did you find it hard to find a building to lease or own that was appropriately zoned and permitted?
6. What are your concerns as a business owner moving forward with recreational marijuana in Eugene?

Appendix D: OLCC License Application Process



OREGON LIQUOR CONTROL COMMISSION REQUEST Land Use Compatibility Statement

CITY/COUNTY USE ONLY	
Date delivered by license applicant:	
Received by (print):	
Initial:	

What is a land use compatibility statement (LUCS)? The LUCS is a form used by a state agency and local government to determine whether a land use proposal is consistent with local government’s comprehensive plan and land use regulations.

Why is a LUCS required? OLCC and other state agencies with permitting or approval activities that affect land use are required by Oregon law to be consistent with local comprehensive plans and to have a process for determining consistency. Section 34(4)(a) of 2015 Oregon Laws, Chapter 614, requires OLCC to request and obtain the LUCS and have a positive LUCS prior to issuing a license.

When is a LUCS required? A LUCS is required for all proposed marijuana facilities before an OLCC license can be obtained.

How to complete a LUCS:

- **Step 1: Applicant** completes Section 1 of this form and submits it to the appropriate city or county planning office. Applicant verifies with local jurisdiction whether additional forms, applications, or permits are required.
- **Step 2: Local jurisdiction** completes Section 2 of this form indicating whether the proposed use is compatible with the acknowledged comprehensive plan and land use regulations and returns signed and dated form to the applicant.
 - Applicant completes payment to local jurisdiction for processing application.
 - Local jurisdictions are **NOT required** to begin processing LUCS forms until **January 4, 2016 at 8:30 AM.**
- **Step 3: Applicant** submits this date-stamped form and any supporting information provided by the city or county to the OLCC with the license application. This form may be submitted while Section 2 is in process with the local governing body.

Section 1 – To be Completed by Applicant
**Sections marked with an asterisk should be verified with the local planning department prior to submitting this form.*

Applicant Name:	<input type="text"/>	Phone:	<input type="text"/>
Mailing Address:	<input type="text"/>		Rm/Ste: <input type="text"/>
City:	<input type="text"/>	State:	<input type="text"/>
		ZIP:	<input type="text"/>

Site plan of the subject property and proposed development attached? *(required)*

Proposed Premises Address:	<input type="text"/>	Rm/Ste:	<input type="text"/>
City:	<input type="text"/>	County:	<input type="text"/>
Tax Lot #*:	<input type="text"/>	Range/Section*:	<input type="text"/>
Township*:	<input type="text"/>	Map*:	<input type="text"/>
		Latitude:	<input type="text"/>
		Longitude:	<input type="text"/>

Proposed use/permit type sought *(A separate LUCS may be necessary for each proposed use even if it is on the same property):*

- Producer Wholesaler Processor Retailer Laboratory Research Certificate
Note indoor or outdoor below List endorsements below

Details of proposed use (note any attachments):

Section 2 – To be Completed by Local Jurisdiction

Site Location:

- Inside city limits Inside UGB Outside UGB

Name of Jurisdiction:

Property Zoning of
Proposed Premises:

- The proposed land use has been reviewed and **is prohibited.**
 The proposed land use has been reviewed and **is not prohibited.**

If the proposed land use is allowable only as a conditional use, permits are required as noted below.

Comments:

Name of Reviewing Local Official (print):

Title:

Date:

Email:

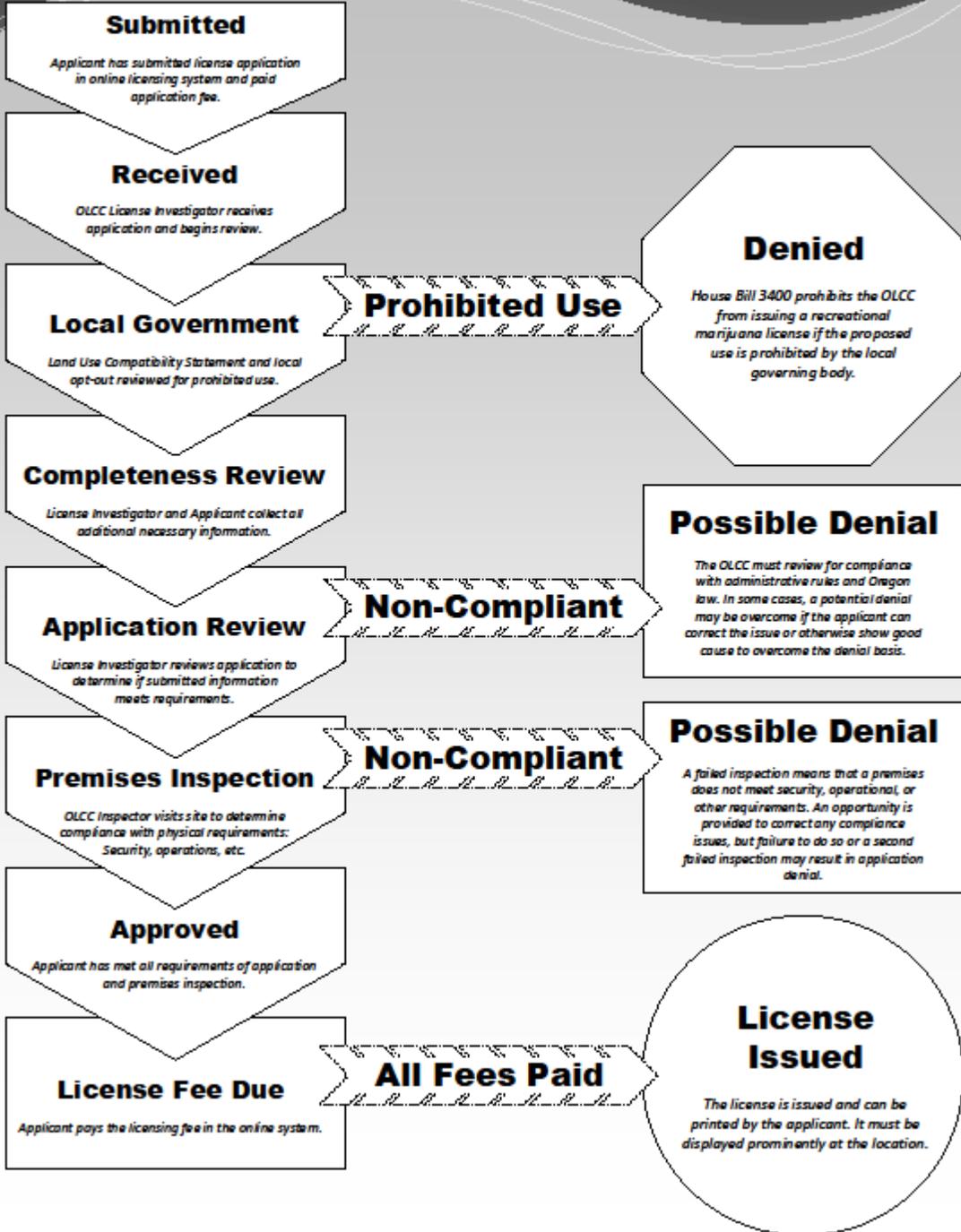
Phone:

Signature:

Check this box if there are attachments to this form:

**REMINDER: Local jurisdictions are NOT required to begin processing
LUCS forms until January 4, 2016 at 8:30 AM**

Life of a License Application



Appendix E: Opt-Out Cities and Counties



OREGON LIQUOR CONTROL COMMISSION

Record of Cities/Counties Prohibiting Licensed Recreational Marijuana Facilities

The following cities or counties have prohibited the establishment of Licensed Recreational Marijuana producers, processors, wholesalers, and/or retailers.

The cities or counties listed below have:

- Provided the OLCC with a copy of their ordinance, per House Bill 3400
- Signed and returned the official "Local Option Opt-Out" form which can be found at www.marijuana.oregon.gov

Affected City/County	Producer Prohibited (Y/N)	Processor Prohibited (Y/N)	Wholesale Prohibited (Y/N)	Retail Prohibited (Y/N)	To Be Put On General Election (Y/N)
Adrian	Y	Y	Y	Y	N
Albany	Y	Y	Y	Y	Y
Athens	Y	Y	Y	Y	N
Aumsville	Y	Y	Y	Y	Y
Baker City	Y	Y	Y	Y	N
Baker County	Y	Y	Y	Y	N
Boardman	Y	Y	Y	Y	N
Brownsville	Y	Y	Y	Y	Y
Burns	Y	Y	Y	Y	N
Canyon City	Y	Y	Y	Y	N
Canyonville	Y	Y	Y	Y	Y
Coburg	Y	Y	Y	Y	Y
Cove	Y	Y	Y	Y	N
Creswell	Y	Y	Y	Y	Y
Crook County	Y	Y	Y	Y	N
Damascus	Y	Y	Y	Y	Y
Dayville	Y	Y	Y	Y	N
Deschutes County	Y	Y	Y	Y	Y
Detroit	Y	Y	Y	Y	N*
Douglas County	Y	Y	Y	Y	Y
Eagle Point	Y	Y	Y	Y	Y
Elgin	Y	Y	Y	Y	N

Affected City/County	Producer Prohibited (Y/N)	Processor Prohibited (Y/N)	Wholesale Prohibited (Y/N)	Retail Prohibited (Y/N)	To Be Put On General Election (Y/N)
Enterprise	Y	Y	Y	Y	N
Fairview	Y	Y	Y	Y	Y
Gervais	Y	Y	Y	Y	Y
Gilliam County	Y	Y	Y	Y	Y
Gladstone	Y	Y	Y	Y	Y
Grant County	Y	Y	Y	Y	N
Grants Pass	Y	Y	Y	Y	Y
Grass Valley	Y	Y	Y	Y	N
Halsey	Y	Y	Y	Y	Y
Happy Valley	Y	Y	Y	Y	Y
Harney County	Y	Y	Y	Y	N
Harrisburg	Y	Y	Y	Y	Y
Heppner	Y	Y	Y	Y	N
Hubbard	Y	Y	Y	Y	N*
Ione	Y	Y	Y	Y	N
Irrigon	Y	Y	Y	Y	N
Island City	Y	Y	Y	Y	N
Jacksonville	Y	Y	Y	Y	Y
Jefferson County	Y	Y	Y	Y	Y
John Day	Y	Y	Y	Y	N
Jordan Valley	Y	Y	Y	Y	N
Joseph	Y	Y	Y	Y	N
Junction City	Y	Y	Y	Y	Y
Klamath County	Y	Y	Y	Y	N
Klamath Falls	Y	Y	Y	Y	N
LaGrande	Y	Y	Y	Y	N
La Pine	N	N	N	Y	Y
Lake County	Y	Y	Y	Y	Y
Lake Oswego	Y	Y	Y	Y	Y
Lebanon	Y	Y	Y	Y	Y
Lexington	Y	Y	Y	Y	N
Linn County	Y	Y	Y	Y	Y
Long Creek	Y	Y	Y	Y	Y
Lostine	Y	Y	Y	Y	N
Lyons	Y	Y	Y	Y	Y
Madras	Y	Y	Y	Y	Y
Malheur County	Y	Y	Y	Y	N
Manzanita	Y	Y	Y	Y	Y
Marion County	Y	Y	Y	Y	Y

Affected City/County	Producer Prohibited (Y/N)	Processor Prohibited (Y/N)	Wholesale Prohibited (Y/N)	Retail Prohibited (Y/N)	To Be Put On General Election (Y/N)
Maupin	Y	Y	Y	Y	Y
Medford	N	N	N	Y	Y
Merrill	Y	Y	Y	Y	N
Mill City	Y	Y	Y	Y	Y
Millersburg	Y	Y	Y	Y	Y
Milton-Freewater	Y	Y	Y	Y	Y
Monument	Y	Y	Y	Y	N
Moro	Y	Y	Y	Y	N
Morrow County	Y	Y	Y	Y	N
Mount Angel	Y	Y	Y	Y	Y
Mount Vernon	Y	Y	Y	Y	N
Myrtle Point	Y	Y	Y	Y	Y
North Powder	Y	Y	Y	Y	N
Nyssa	Y	Y	Y	Y	N
Ontario	Y	Y	Y	Y	N
Oregon City	Y	Y	Y	Y	Y
Pendleton	Y	Y	Y	Y	Y
Prairie City	Y	Y	Y	Y	N
Richland	Y	Y	Y	Y	N
Rufus	Y	Y	Y	Y	N
Sandy	Y	Y	Y	Y	Y
Scappoose	Y	Y	Y	Y	Y
Scott Mills	Y	Y	Y	Y	Y
Shaniko	Y	Y	Y	Y	Y
Sherman County	Y	Y	Y	Y	N
Sherwood	Y	Y	Y	Y	Y
Spray	Y	Y	Y	Y	N
Sublimity	Y	Y	Y	Y	Y
Sutherlin	Y	Y	Y	Y	Y
Sweet Home	Y	Y	Y	Y	Y
Tangent	Y	Y	Y	Y	Y
Ukiah	Y	Y	Y	Y	N
Umatilla	Y	Y	Y	Y	N
Umatilla County	Y	Y	Y	Y	N
Union County	Y	Y	Y	Y	N
Vale	Y	Y	Y	Y	N
Wallowa	Y	Y	Y	Y	N
Wallowa County	Y	Y	Y	Y	N

Affected City/County	Producer Prohibited (Y/N)	Processor Prohibited (Y/N)	Wholesale Prohibited (Y/N)	Retail Prohibited (Y/N)	To Be Put On General Election (Y/N)
Wasco City	Y	Y	Y	Y	N
West Linn	Y	Y	Y	Y	Y
Wilsonville	Y	Y	Y	Y	Y
Wheeler County	Y	Y	Y	Y	N

Please contact the individual city or county for a copy of their local ordinance.

The most recent addition is highlighted for your convenience.

* See below for more information:

- The City of Hubbard's provided ordinance is temporary and will expire on August 1, 2016, or when the city adopts zoning and other regulations for marijuana facilities, whichever comes first.
- The City of Detroit's provided ordinance is temporary and will expire on June 30, 2016, or when the city adopts zoning and other regulations for marijuana facilities, whichever comes first.

Appendix F: What's Legal Oregon?

Educate Before You Recreate

In Oregon, it's legal for adults 21 and older to possess and use recreational marijuana (from approved medical marijuana dispensaries)... but there are limits.

21+

You can possess and use recreational marijuana if you are 21 and older. If you are younger, it's illegal.



Approved medical dispensaries may sell small amounts of marijuana to recreational users of legal age.



You can possess up to 8 oz of usable marijuana in your home & 1 oz of usable marijuana outside the home.



You can grow up to 4 plants per residence, out of public view.



WHATSLEGALEOREGON.COM



Driving under the influence of marijuana remains illegal. Please be responsible.



You can use recreational marijuana at home or on private property.
PUBLIC USE IS ILLEGAL.



You can't take marijuana in or out of the state. That includes Washington.



You can make edible products at home or receive them as a gift, and can only use them in private places.

PLEASE SHARE THIS INFORMATION WITH PEOPLE YOU KNOW

Some aspects of the law are still being determined.
To stay up to date, sign up for our e-newsletter or find us online:

WHATSLEGALEOREGON.COM    [@whatslegalOR](https://www.instagram.com/whatslegalOR)

Marijuana Policy Program
503-823-9333 (823-WEED) | Marijuana@PortlandOregon.gov
RECREATIONAL MARIJUANA LAWS & PERSONAL USE

Q: How much marijuana can I possess?

A: Measure 91 allows Oregonians 21 and older to:

- Grow up to **4 plants** on their property
- Possess up to **8 ounces** of usable marijuana in their homes
- Carry up to **1 ounce** on their person outside of their home



Q: Can I share or give away marijuana?

A: It is legal for adults over 21 to share or give away marijuana to other adults 21 and older, but not sell it.



Q: Where can I obtain marijuana seeds or starts?

A: Adults over 21 may purchase seeds or starts from medical marijuana dispensaries that have chosen to participate in limited retail sales of marijuana.



Q: What is meant by "useable" marijuana?

A: Useable marijuana refers to dried marijuana flowers or leaves. In other words, marijuana that is ready to smoke.



Q: The law says every household can grow four plants. Does that mean total plants or only mature ones?

A: Households are allowed to have four plants total. The new law does not distinguish between mature or immature plants.



www.portlandoregon.gov/marijuana



Q: Who can smoke recreational marijuana? What is the minimum age?

A: Since July 1, 2015, Oregon law has allowed any adult 21 and older to smoke or consume recreational marijuana in Oregon. Marijuana use or possession of recreational marijuana by anyone under 21 years of age is illegal. That includes home consumption.



Q: Where can I smoke or consume recreational marijuana?

A: Measure 91 allows Oregonians to smoke or consume marijuana products at home or on private property away from unaided public view. Marijuana cannot be smoked or consumed in public or within unaided public view. Smoking or consuming marijuana products in public places or within public view is a class B violation. The punishment is a fine of up to \$1,000.



Q: Public consumption is prohibited, but does that extend to vaping? My vape pen doesn't smell. Can I use it in public?

A: No. Public marijuana consumption is illegal even if you are using a discreet device such as a vape pen.



Q: Can non-Oregon residents legally smoke or consume marijuana products in Oregon?

A: Yes. Non-Oregon residents 21 and older can legally smoke or consume marijuana products in Oregon.



Q: Where can non-Oregon residents legally smoke or consume marijuana products in Oregon?

A: Non-Oregon residents 21 and older can legally smoke or consume marijuana products on private property out of public view.

Note: make sure to check with the establishment to ensure you are not in violation of their policies.



Q: Can I smoke or consume marijuana products in a bar or restaurant?

A: No. Marijuana cannot be smoked or consumed in public places. This includes businesses that are open to the public.



Q: Can I legally smoke or consume marijuana products at a hotel, motel, or hostel?

A: Marijuana cannot be smoked or consumed in public places or within public view. Smoking or consuming marijuana in private rooms will be determined by the policies of any given establishment.



Q: Can I smoke or consume marijuana products in parks or other public lands?

A: No. Marijuana cannot be smoked or consumed in public places or within public view.



Q: Can I smoke or consume marijuana products on the bus?

A: No. Public transportation is by definition a public place.



Q: Can I smoke on my front porch?

A: If your front porch can be readily seen by normal unaided vision from a public place, marijuana consumption on your porch is illegal and subject to enforcement action.



Q: Is there anything I can do if my neighbors smoke marijuana in their backyard and the smell drifts into my yard?

A: The new law does not address marijuana-related odors. However, we encourage Portland residents to take steps to ensure they are being considerate neighbors with regard to the usage and cultivation of marijuana by exploring ways to minimize the odor of marijuana from their premises and ensure community air is enjoyable for everyone in the neighborhood.



Q: What is the definition of a public place?

A: Measure 91 defines a public place as "a place to which the general public has access and includes, but is not limited to, hallways, lobbies, and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement, parks, playgrounds and premises used in connection with public passenger transportation."



Q: Can Oregon recreational marijuana be taken to the state of Washington where it is also legal?

A: No. Taking marijuana across state lines is a federal offense subject to enforcement action.



Q: If I have more than four plants in my household, can I be charged with a crime?

A: Yes. This law applies to households and not individuals. If there are five to eight plants grown in a home, you can be charged with a Class B misdemeanor. It's a Class C felony to grow nine or more plants.



Q: If I plan to grow cannabis at home, are there any restrictions on growing in my yard?

A: According to the law, you may grow marijuana in your yard as long as the plant "cannot be readily seen by normal unaided vision from a public place."



Q: Can I be charged with a crime if I go over the home possession limit?

A: Yes. Even with changes to the law, it's still possible to be charged with a crime for marijuana possession at home.

- Possession of more than **8 ounces** but not more than **16 ounces** in your home is a Class B violation.
- Home possession of between **16 and 32 ounces** is a Class B misdemeanor.
- Home possession of **32 ounces or more** is a Class A misdemeanor.



Q: Can I be charged with a crime if I go over the personal possession limit in public places?

A: Yes. Even with changes to the law, it's still possible to be charged with a crime for marijuana possession.

- Possession of more than **1 ounce** but not more than **8 ounces** on your person is a class B misdemeanor.
- Possession of **8 ounces or more** on your person is a class a class A misdemeanor.



Q: Under the new law, can I go to prison for selling marijuana?

A: Yes. Under the new law, unlawful delivery of marijuana is a felony, which is punishable with a prison sentence. However, House Bill 3400 reduced unlawful delivery to a Class A misdemeanor, which carries a potential jail sentence of up to one year.

A person 21 or older who sells marijuana to a minor may be charged with a Class C felony, punishable by up to five years in prison.



Q: I have been convicted of a felony. Can I grow and possess marijuana?

A: Yes.



Q: If I'm on probation, can I possess and grow marijuana?

A: It depends on your probation agreement. You would need to check with your probation officer to get a clear answer to this question.



Q: Can I get a DUI while under the influence of marijuana?

A: Yes. Marijuana use and consumption is subject to Oregon DUI laws which define driving under the influence of intoxicants as, "operating a motor vehicle while intoxicated or drugged, including impairment from the use of marijuana." [ORS 813.010]



Q: How does the new law affect bicycling under the influence? Can I be charged for riding while intoxicated?

A: Yes. Riding your bike under the influence of intoxicants remains illegal.



Q: Can a landlord prohibit tenants from growing or using marijuana in rental units?

A: Yes. Measure 91 does not affect existing landlord/tenant laws.



Q: If I own rental property. Can I add a clause to the rental agreement prohibiting the use and cultivation of marijuana on my property?

A: Yes. Measure 91 does not affect existing landlord/tenant laws.



Q: Can an employer require marijuana testing after July 1, 2015?

A: Measure 91 does not affect existing employment law. Employers who require drug testing can continue to do so.



Q: Can I lose my job for using marijuana?

A: It depends on your workplace policies. Passage of Measure 91 does not change existing employment law in Oregon.



MARIJUANA BUSINESSES AND RETAIL SALES

Q: Can I legally purchase recreational marijuana in Oregon?

A: Senate Bill 460 allowed adults 21 and older to buy small amounts of marijuana from participating medical marijuana dispensaries beginning Oct. 1, 2015. This gave consumers an avenue for legal purchase after possession became legal, but before a full regulatory system was in place for retailers. The City of Portland began accepting applications for qualifying Medical Marijuana Dispensaries on Dec. 1, 2015, and began accepting applications for all other Medical Dispensaries and retail Marijuana Businesses on Dec. 15, 2015. OLCC began accepting applications for Marijuana Businesses on Jan. 4, 2016.



Q: When will retail marijuana stores open?

A: The City of Portland projects retail stores to open near the end of 2016. Medical Dispensaries are open now.



Q: Can non-Oregon residents legally purchase marijuana products in Oregon?

A: Yes. Non-Oregon residents 21 and older can legally purchase marijuana products in Oregon from a licensed retail establishment.



Q: How much does recreational marijuana cost?

A: The retail price of recreational marijuana is determined through the marketplace, and prices may change.



Q: Where can marijuana businesses seeking to operate within Portland City limits obtain an application for a marijuana regulatory license?

A: Businesses seeking to operate within Portland City limits will need to submit an application with the Office of Neighborhood Involvement's Marijuana Policy Program. Applications are now available for all Medical Dispensaries and Marijuana Businesses.



Q: When will the City begin accepting license applications for Medical Dispensaries and Marijuana Businesses?

A: The City of Portland is currently accepting applications for Medical Dispensaries and Marijuana Businesses. More information can be found on the City of Portland's Marijuana Policy Program website.



Q: How much are the application and license fees?

A: **Application fees** are \$975 for Medical Dispensaries and Marijuana Retailers, and \$500 for Marijuana Producers, Processors, and Wholesalers. **License fees** are \$4,175 for Marijuana Retailers, and \$2,000 for Medical Dispensaries and Marijuana Producers, Processors, and Wholesalers. Licenses must be renewed and license fees paid annually.



Q: How many businesses licenses can I apply for?

A: You may register for as many businesses as you wish; however, the City of Portland will only grant one license per location, per business type.



Q: Who will be eligible to apply for a license to operate a marijuana business within Portland City limits?

A: Any adult over the age of 21 may apply, but the Director has discretion to deny a license if cause exists to do so.



IMPACT TO MEDICAL MARIJUANA LAWS IN OREGON

Q: What impact does Measure 91 have on the current Medical Marijuana Program?

A: None. Measure 91 states that the "Act may not be construed ... to amend or affect in any way the Oregon Medical Marijuana Act."



Q: What is the difference between recreational marijuana and medical marijuana?

A: Medical marijuana is for patients with qualifying medical conditions. Recreational marijuana, whether grown at a residence or obtained from a qualifying medical dispensary or licensed retail outlet, is for personal use for adults 21 years of age or older. For more information on medical marijuana, visit mj.oregon.gov.



RECREATIONAL MARIJUANA IN GENERAL

Q: What is the purpose of legalizing recreational marijuana?

A: As stated in Measure 91, the purpose of the Act is to:

- Eliminate the problems caused by the prohibition and uncontrolled manufacture, delivery, and possession of marijuana within this state;
- Protect the safety, welfare, health, and peace of the people of this state by prioritizing the state's limited law enforcement resources in the most effective, consistent, and rational way;
- Permit persons licensed, controlled, regulated, and taxed by this state to legally manufacture and sell marijuana to persons 21 and older, subject to the provisions of this Act;
- Ensure that the State Department of Agriculture issues industrial hemp licenses and agricultural hemp seed production permits in accordance with existing state law;
- Establish a comprehensive regulatory framework concerning marijuana under existing state law.



Q: When did Measure 91 go into effect?

A: Beginning July 1, 2015, Measure 91 allowed Oregonians to grow limited amounts of marijuana on their property and possess limited amounts of recreational marijuana for personal use. Different limits apply for in-home possession and personal possession in public places. The measure also gave the City of Portland authority to tax, register, and regulate businesses engaged in the cultivation, processing, and sales of marijuana within Portland city limits.



Q: Who will enforce recreational marijuana laws?

A: Enforcement of the home grow and personal possession provisions of Measure 91 will be at the discretion of local jurisdictions, the state police, and other law enforcement agencies. The City of Portland's Marijuana Policy Program is responsible for regulation and enforcement actions on businesses engaged in the cultivation, processing and sales of marijuana within Portland city limits.



Q: How will children be protected from recreational marijuana and marijuana products?

A: Measure 91 prohibits the sale of recreational marijuana to anyone under the age of 21. The act also prohibits advertising to ensure public safety and prevent appeal to minors.



Q: Where can I get more information?

A: As updates occur and information is available, we will share that information with you on the Marijuana Policy Program website.



Q: What if I have additional questions?

A: Please send additional questions to the City of Portland's Marijuana Policy Program at: Marijuana@PortlandOregon.gov, or call 503-823-9333 (823-WEED)



References

- Authority, O. H. (2016, March 6). *The Oregon Medical Marijuana Act (OMMA)*. Retrieved from Oregon Health Authority:
<https://public.health.oregon.gov/DiseasesConditions/ChronicDisease/MedicalMarijuanaProgram/Pages/475a.aspx#history>
- Baca, R. (2016, February 9). *Colorado marijuana sales skyrocket to more than \$996 million in 2015*. Retrieved from The Cannablist : <http://www.thecannabist.co/2016/02/09/colorado-marijuana-sales-2015-reach-996-million/47886/>
- Business, M. (2016, February 8). General Manager. (H. Hearley, Interviewer)
- Cities, L. o. (2015). *Local Government Regulation of Marijuana in Oregon*. League of Oregon Cities.
- Crombie, N. (2016, March 17). *Oregon collects \$3.48 million in revenue from first month of taxed recreational marijuana sales*. Retrieved from Oregon Live:
http://www.oregonlive.com/marijuana/index.ssf/2016/03/first_month_of_taxed_recreatio.html
- Ditzler, J. (2016, April 5). *Rules for marijuana edibles still cooking*. Retrieved from The Bulletin:
<http://www.bendbulletin.com/home/4184955-151/rules-for-marijuana-edibles-still-cooking#>
- ECONorthwest. (2014). *Oregon Cannabis Tax Revenue Estimate*. Portland: ECONorthwest.
- Eugene, C. o. (2016, June 6). *Medical Marijuana Dispensaires- Frequently Asked Questions*. Retrieved from City of Eugene: <https://www.eugene-or.gov/2627/Medical-Marijuana-Dispensaries>
- Green, J. (2015, September 23). *Which States Will Vote on Marijuana Legalization in 2016?* Retrieved from The Weed Blog: <http://www.theweedblog.com/which-states-will-vote-on-marijuana-legalization-in-2016/>
- Johnson, A. (2015, October 7). *Oregon Marijuana Sales More Than \$11 Million the First Week*. Retrieved from Marijuana Politics: <http://marijuanapolitics.com/oregon-marijuana-sales-more-than-11-million-the-first-week/>
- Lehman, C. (2016, April 20). *Oregon Continues To Rake In Marijuana Tax Revenue*. Retrieved from Oregon Public Broadcasting: <http://www.opb.org/news/article/npr-oregon-continues-to-rake-in-marijuana-tax-revenue/>
- Liccardo, R. P., Kilmer, B., Wagennar, A. C., Chaloupka, F. J., & Caulkins, J. P. (2014). Developing Public Health Regulations for Marijuana: Lessons From Alcohol and Tobacco. *American Journal of Public Health*, 1021-1028.
- Maker, P. (2016, February 4). OHA. (H. Hearley, Interviewer)
- Maker, P. (2016, January 8). OLCC. (H. Hearley, Interviewer)
- Nemeth, J., & Ross, E. (2014). The Cannabis Conundrum. *American Planning Association*, 2-16.
- Planner, O. o. (2015, November 25). Seattle. (H. Hearley, Interviewer)

- Planner, O. o. (2016, January 12). Kenmore. (H. Hearley, Interviewer)
- Saad, L. (2014, November 6). *Majority Continues to Support Pot Legalization in U.S.* Retrieved from Gallup.com: <http://www.gallup.com/poll/179195/majority-continues-support-pot-legalization.aspx>
- Siff, S. (2014, May). *The Illegalization of Marijuana: A Brief History*. Retrieved from ORIGINS Current Events in Historical Perspective: <http://origins.osu.edu/article/illegalization-marijuana-brief-history/page/0/1>
- Staley, B. (2015). Pot and Planning: Seattle Wades Into Tricky Territory. *American Planning Association*.
- Vance, B. M. (2016, April 20). *Map: Where Can Adults Legally Buy Marijuana In Oregon? Almost Everywhere* . Retrieved from Oregon Public Broadcasting: <http://www.opb.org/news/article/marijuana-oregon-recreational-sales-map-where-to-buy/>