

**CITY OF MADRAS**  
**Request for Council Action**

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**Date Submitted:** March 26, 2018

**Agenda Date Requested:** April 10, 2018

**To:** Madras City Council

**Through:** Gus Burrell, City Administrator

**From:** Nicholas Snead, Community Development Director

**Subject:** **ORDINANCE NO. 914, AN ORDINANCE OF THE CITY OF MADRAS AMENDING ORDINANCE NO. 870, AN ORDINANCE ESTABLISHING TIME, PLACE, AND MANNER REGULATIONS CONCERNING MEDICAL MARIJUANA DISPENSARIES; AND DECLARING AN EMERGENCY.**

**ORDINANCE NO. 915, AN ORDINANCE OF THE CITY OF MADRAS AMENDING ORDINANCE NO. 892, AN ORDINANCE ESTABLISHING TIME, PLACE, AND MANNER REGULATIONS CONCERNING RECREATIONAL MARIJUANA BUSINESSES; AND DECLARING AN EMERGENCY.**

**ORDINANCE NO. 916, AN ORDINANCE AMENDING ORDINANCE NO. 864 WHICH ORDINANCE ESTABLISHED LAND USE ZONE REGULATING THE LOCATION OF BUILDINGS, STRUCTURES, AND USE OF LAND WITHIN THE CITY OF MADRAS; ESTABLISHING CERTAIN SEPARATION REQUIREMENTS BETWEEN MARIJUANA RETAILERS AND MARIJUANA DISPENSARIES; SUPERSEDING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY.**

**TYPE OF ACTION REQUESTED: (Check One)**

- |  |   |
|--|---|
| <input type="checkbox"/> Resolution                      | <input checked="" type="checkbox"/> Ordinance |
| <input checked="" type="checkbox"/> Formal Action/Motion | <input type="checkbox"/> Other                |
| <input type="checkbox"/> No Action - Report Only         |   |

**OVERVIEW:**

In October of 2016 the City of Madras adopted Zoning (Ord. No. 864) and Time, Place, and Manner (Ord. No. 892) regulations for Recreational Marijuana. Since then staff has become aware, through an opinion from the City Attorney, that Recreational Marijuana dispensaries do not have a requirement to be located on properties that are located at least 1,000 feet from another property where a Recreational or Medical Marijuana dispensary is located. It is the Community Development Director's opinion that the City's Recreational Marijuana Advisory Committee intended to require Recreational Marijuana Dispensaries to be located on properties that are located at least 1,000 feet from another property where a Recreational or Medical Marijuana dispensary is located. Accordingly, staff has requested the City Attorney to draft the necessary amendments to Ordinances 864 and 892 (attached) to require Recreational Marijuana dispensaries to be located on properties that are located at least 1,000 feet from another property where a Recreational or Medical Marijuana dispensary is located.

The Planning Commission will hold a public hearing on April 4, 2017. This staff report was prepared before the April 4, 2017 Planning Commission meeting. At the April 10, 2018 Plan City Council meeting, the Community Development Director will verbally report to the City Council on the formal action the Planning Commission took at their April 4, 2018 meeting. If both the Planning Commission and City Council take formal action during their public hearings, respectively on April 4, 2018 and April 10, 2018 staff will recommend that the City Council adopt Ordinance Nos. 914, 915, and 916 (Attachment A, B, and C) by emergency to cause immediate effect.

On April 10, 2018, the City Council will hold a legislative public hearing to consider the proposed text amendments to Ordinances No. 864 and 892. The public hearing will also provide the opportunity for the public to comment on the proposed text amendments. The City has provided notice of the April 4, 2018 Planning Commission public hearing in the February 21, 2018 Madras Pioneer in accordance with City of Madras Zoning Ordinance No. 864, Articles 8 and 9. Furthermore, the City has issued notice of the April 4, 2014 public hearing to all properties in the City of Madras that are zoned C-1, C-2, and C-3 as required by ORS 227.186.

**COMPLIANCE WITH APPLICABLE STATEWIDE PLANNING GOALS:**

Attachment D, contains the findings of fact that demonstrate compliance with the applicable Statewide Planning Goals and the City's Comprehensive Plan and Zoning Ordinance.

**COUNCIL ACTION:**

Contingent upon both the Planning Commission (April 4, 2018) and the City Council (April 10, 2018) public hearings taking formal action to approve the proposed text amendments (Attachments A, B, and C), the Council may take formal action adopt Ordinances 914, 915, and 916, by emergency which will cause immediate effect of the aforementioned ordinances.

**SUMMARY:**

**A. Fiscal Impact:**

N/A

**B. Funding Source:**

N/A

**C. Explanation of Impact:**

City Council adoption of Ordinances 914, 915, and 916, by emergency which will cause immediate effect of the aforementioned ordinances.

**D. Relationship to City Council Annual Strategic Implementation Plan:**

Yes  No

**Discussion:** Adoption of Ordinances 914, 915, and 916 is not directly related to the goals and objectives in City Council's FY 2017-18 Annual Strategic Implementation Plan.

**E. Supporting Documentation:**

Attachment A: Ordinance No. 914

Attachment B: Ordinance No. 915

Attachment C: Ordinance No. 916

Attachment D: Statewide Planning Goals Findings of Fact

**STAFF RECOMMENDATION:**

That the City Council adopt Ordinances Nos. 914, 915, and 916, by emergency.

**MOTION FOR COUNCIL ACTION:**

I move that the City Council adopt Ordinances Nos. 914, 915, and 916, by emergency.

**ORDINANCE NO. 914**

**AN ORDINANCE OF THE CITY OF MADRAS AMENDING ORDINANCE NO. 870, AN ORDINANCE ESTABLISHING TIME, PLACE, AND MANNER REGULATIONS CONCERNING MEDICAL MARIJUANA DISPENSARIES; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Madras ("City") has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant or allow City; and

**WHEREAS**, on April 28, 2015, City adopted Ordinance No. 870 (the "TPM Ordinance") to establish certain time, place, and manner regulations concerning medical marijuana dispensaries; and

**WHEREAS**, on October 11, 2016, City adopted Ordinance No. 892 (the "RMJ Ordinance") to establish certain time, place, and manner regulations concerning recreational marijuana producers, processors, wholesalers, laboratories, and retailers; and

**WHEREAS**, under the TPM Ordinance, a medical marijuana dispensary may not be located within 1,000 feet of another dispensary; and

**WHEREAS**, in an effort to protect the public's health, safety, and welfare, City desires to impose consistent spatial requirements between recreational marijuana retailers under the RMJ Ordinance and medical marijuana dispensaries under the TPM Ordinance; and

**WHEREAS**, the Madras City Council (the "Council") finds it necessary to amend the TPM Ordinance to impose a spatial requirement prohibiting a dispensary from being located within 1,000 feet of a recreational marijuana retailer.

**NOW, THEREFORE**, the City of Madras ordains as follows:

1. Findings. The above-stated findings are hereby adopted.
2. Purpose. The purpose of this Ordinance No. 914 (this "Ordinance") is to amend the TPM Ordinance to prohibit a medical marijuana dispensary from locating within 1,000 feet of a recreational marijuana retailer.
3. Amendment. Section 6.10 of the TPM Ordinance is amended to read in its entirety as follows:

"6.10 Dispensary Location. A dispensary must not be located (a) at the same address as a marijuana grow site, (b) within 1,000 feet of the real property comprising a public or private elementary, secondary, and/or career school attended primarily by minors, (c) within 1,000 feet of another dispensary, (d) within 1,000 feet of a recreational marijuana retailer licensed under ORS 475B.105, and/or (e) in any area and/or zone not expressly permitted under City's land use code (including, without limitation, Ordinance No. 864, as amended). 'Within 1,000 feet' means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point on the boundary line of the real property on which the dispensary is sited."

4. Miscellaneous. This Ordinance is hereby made part of the TPM Ordinance. The provisions of the TPM Ordinance that are not amended or modified by this Ordinance remain unchanged and in full force and effect. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended. The provisions of this Ordinance are hereby declared severable. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the Council to cure editorial and/or clerical errors. Nothing in this Ordinance affects the validity of any criminal or civil enforcement actions commenced prior to the adoption of this Ordinance; all City ordinances existing at the time that such actions were filed will remain valid and in full force and effect for purposes of those actions.
  
5. Emergency Declaration. Council finds that passage of this Ordinance is necessary for the immediate preservation of the peace, health, and safety of City's citizens. Therefore, an emergency is hereby declared to exist. This emergency Ordinance will be in full force and effect upon its passage and adoption by the Council and signing by the mayor.

**ADOPTED** by the City Council of the City of Madras and signed by the mayor this \_\_\_\_ day of \_\_\_\_\_, 2018.

Ayes: \_\_\_\_\_  
 Nays: \_\_\_\_\_  
 Abstentions: \_\_\_\_\_  
 Absent: \_\_\_\_\_  
 Vacancies: \_\_\_\_\_

\_\_\_\_\_  
 Royce Embanks, Mayor

ATTEST:

\_\_\_\_\_  
 Karen J. Coleman, City Recorder

ORDINANCE NO. 915

**AN ORDINANCE OF THE CITY OF MADRAS AMENDING ORDINANCE NO. 892, AN ORDINANCE ESTABLISHING TIME, PLACE, AND MANNER REGULATIONS CONCERNING RECREATIONAL MARIJUANA BUSINESSES; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Madras ("City") has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant or allow City; and

**WHEREAS**, on April 28, 2015, City adopted Ordinance No. 870 (the "MMJ Ordinance") to establish certain time, place, and manner regulations concerning medical marijuana dispensaries; and

**WHEREAS**, on October 11, 2016, City adopted Ordinance No. 892 (the "TPM Ordinance") to establish certain time, place, and manner regulations concerning recreational marijuana producers, processors, wholesalers, laboratories, and retailers; and

**WHEREAS**, under the MMJ Ordinance, a medical marijuana dispensary may not be located within 1,000 feet of another dispensary; and

**WHEREAS**, in an effort to protect the public's health, safety, and welfare, City desires to impose consistent spatial requirements between recreational marijuana retailers under the TPM Ordinance and medical marijuana dispensaries under the MMJ Ordinance; and

**WHEREAS**, the Madras City Council (the "Council") finds it necessary to amend the TPM Ordinance to impose certain spatial requirements on retailers by prohibiting each recreational marijuana retailer from being located within 1,000 feet of another retailer and/or medical marijuana dispensary.

**NOW, THEREFORE**, the City of Madras ordains as follows:

1. Findings. The above-stated findings are hereby adopted.
2. Purpose. The purpose of this Ordinance No. 915 (this "Ordinance") is to amend the TPM Ordinance to prohibit a recreational marijuana retailer from locating within 1,000 feet of another recreational marijuana retailer and/or medical marijuana dispensary.
3. Amendment. Section 6.9 of the TPM Ordinance is amended to read in its entirety as follows:

"6.9 Business Location. Each retailer must not be located (a) at the same address as any other business except as permitted under Section 6.4(a) of this Ordinance, (b) within 1,000 feet of the real property comprising a public or private elementary, secondary, and/or career school attended primarily by minors, (c) within 1,000 feet of another retailer, (d) within 1,000 feet of a medical marijuana dispensary registered by the Oregon Health Authority under ORS 475B.858, and/or (e) in any area and/or zone not expressly permitted under the zoning ordinance. 'Within 1,000 feet' means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point on the boundary line of the real property on which the retailer is sited."

4. Miscellaneous. This Ordinance is hereby made part of the TPM Ordinance. The provisions of the TPM Ordinance that are not amended or modified by this Ordinance remain unchanged and in full force and effect. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended. The provisions of this Ordinance are hereby declared severable. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the Council to cure editorial and/or clerical errors. Nothing in this Ordinance affects the validity of any criminal or civil enforcement actions commenced prior to the adoption of this Ordinance; all City ordinances existing at the time that such actions were filed will remain valid and in full force and effect for purposes of those actions.
  
5. Emergency Declaration. Council finds that passage of this Ordinance is necessary for the immediate preservation of the peace, health, and safety of City's citizens. Therefore, an emergency is hereby declared to exist. This emergency Ordinance will be in full force and effect upon its passage and adoption by the Council and signing by the mayor.

**ADOPTED** by the City Council of the City of Madras and signed by the mayor this \_\_\_\_ day of \_\_\_\_\_, 2018.

Ayes: \_\_\_\_\_  
 Nays: \_\_\_\_\_  
 Abstentions: \_\_\_\_\_  
 Absent: \_\_\_\_\_  
 Vacancies: \_\_\_\_\_

\_\_\_\_\_  
 Royce Embanks, Mayor

ATTEST:

\_\_\_\_\_  
 Karen J. Coleman, City Recorder

## ORDINANCE NO. 916

**AN ORDINANCE AMENDING ORDINANCE NO. 864, WHICH ORDINANCE ESTABLISHED LAND USE ZONES REGULATING THE LOCATION OF BUILDING STRUCTURES AND THE USE OF LAND WITHIN THE CITY OF MADRAS; ESTABLISHING CERTAIN SEPARATION REQUIREMENTS BETWEEN MARIJUNANA RETAILERS AND MARIJUANA DISPENSARIES; SUPERSEDING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Madras ("City") adopted Ordinance No. 864 establishing land use zones and development regulations to govern the location of building structures and the uses of land within City (as amended, the "Zoning Ordinance"); and

**WHEREAS**, the Zoning Ordinance regulates the permitted locations of Marijuana Dispensaries and Marijuana Retailers (as such terms are defined in the Zoning Ordinance); and

**WHEREAS**, City proposed certain amendments to the Zoning Ordinance to establish separation buffers between Marijuana Retailers and Marijuana Dispensaries; and

**WHEREAS**, affected property owners and the Department of Land Conservation and Development were provided notice of the proposed amendments; and

**WHEREAS**, City's Planning Commission, after receiving public testimony at a public hearing on April 4, 2018, and deliberating fully on the proposed changes, voted unanimously to recommend that the Madras City Council (the "Council") adopt the proposed amendments; and

**WHEREAS**, the Council, after receiving public testimony on the proposed amendments during a scheduled public hearing on April 10, 2018, unanimously voted to adopt the recommended amendments.

**NOW, THEREFORE**, the City of Madras ordains as follows:

1. Findings. The above-stated findings and the findings contained in the staff report delivered at the April 10, 2018 public hearing before the Council are hereby adopted.

2. Amendments. The amendments to the Zoning Ordinance contained in the attached Exhibit A, incorporated herein by this reference, are hereby approved, adopted, and made part of the Zoning Ordinance. The provisions of the Zoning Ordinance that are not amended or modified by this Ordinance No. 916 (this "Ordinance") remain unchanged and in full force and effect. The foregoing amendments supersede any ordinance and/or resolution provisions and/or policies in conflict with the amendments.

3. Severability; Savings; Corrections. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. Nothing in this Ordinance affects the validity of any criminal or civil enforcement actions commenced prior to the adoption of this Ordinance; all City ordinances existing at the time that such actions were filed will remain



valid and in full force and effect for purposes of those actions. This Ordinance may be corrected by order of the Council to cure editorial and/or clerical errors.

4. Emergency Declaration. Council finds that passage of this Ordinance is necessary for the immediate preservation of the peace, health, and safety of City's citizens. Therefore, an emergency is hereby declared to exist. This emergency Ordinance will be in full force and effect upon its passage and adoption by the Council and signing by the mayor.

**APPROVED AND ADOPTED** by the City Council of the City of Madras and signed by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Abstentions: \_\_\_\_\_  
Absent: \_\_\_\_\_  
Vacancies: \_\_\_\_\_

\_\_\_\_\_  
Royce Embanks, Mayor

ATTEST:

\_\_\_\_\_  
Karen J. Coleman, City Recorder

Exhibit A

Amendments to the City of Madras Zoning Ordinance (Ordinance No. 864)

[attached]

EXHIBIT A TO ORDINANCE NO. 916

**Strikethrough** is language deleted  
**Double underline** is language added.

Amendment No. 1

Table 3.5-1: Uses in the C-1, C-2 and C-3 Zones

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...

- vii. Marijuana Businesses must meet the applicable requirements of Section ~~3.14~~3.15.

...

Amendment No. 2

**SECTION 3.15 MARIJUANA BUSINESSES**

...

**C. ADDITIONAL CRITERIA FOR MEDICAL MARIJUANA DISPENSARIES**

1. A Medical Marijuana Dispensary must not be located:

- (a) at the same address as a Marijuana grow site registered under ORS 4758.420;
- (b) within 1,000 feet of the real property comprising a public or private elementary, secondary, and/or career school attended primarily by minors, ~~and/or~~;
- (c) within 1,000 feet of another Medical Marijuana Dispensary; and/or

~~dispensary~~(d) within 1,000 feet of a Marijuana Retailer. "Within 1,000 feet" means a straight-line measurement in a radius extending for 1,000 feet or less in every direction from the closest point on the boundary line of the real property on which the Medical Marijuana Dispensary is proposed to be sited.

...

**D. ADDITIONAL CRITERIA FOR MARIJUANA RETAILERS**

1. Marijuana Retailers must not be located:

(a) at the same address as another Marijuana Business except as permitted under Oregon law, the Time, Place and Manner Restrictions, and this Zoning Ordinance; **or**

(b) within 1,000 feet of the real property comprising a public or private elementary, secondary, and/or career school attended primarily by minors;

(c) within 1,000 feet of a Medical Marijuana Dispensary; and/or

(d) within 1,000 feet of another Marijuana Retailer. "Within 1,000 feet" means a straight-line measurement in a radius extending for 1,000 feet or less in every direction from the closest point on the boundary line of the real property on which the Marijuana Retailer is proposed to be sited.

## Findings of Fact for Ordinances No. 914, 915, and 916

### Goal 1: Citizen Involvement, OAR 660-015-0000(1):

**FINDING:** The proposed ordinances are considered legislative land use actions for which required advanced notice of the public hearings to be published in Madras Pioneer, a Measure 56 notice to all affected properties, and the ability for the public to comment during the public hearings. The City noticed proposed Ordinances 914, 915, and 916 in the Madras Pioneer for the April 4, 2018 Planning Commission hearing on February 21, 2018. Similarly, the City noticed proposed Ordinances 914, 915, and 916 in the Madras Pioneer for the April 10, 2018 City Council hearing on February 28, 2018. Both notices were provided at least 21 days in advance of each public hearings. At both the Planning Commission and City Council public hearings, the public will be provided an opportunity to comment on the proposed ordinances. Additionally, on March 3, 2018 the City mailed a Measure 56 as required by ORS 227.186 to all properties located in the C-1, C-2, and C-3 zoning districts. The City finds that it has complied with the requirements of Statewide Planning Goal 1.

### Goal 2: Land Use Planning, OAR 660-015-0000(2):

#### Part I: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

**FINDING:** The proposed ordinances will not re-zone any property, rather change the development standards for C-1, C-2, C-3 zoning districts to require Recreational Marijuana dispensaries to be located on properties that are at least 1,000 feet from each other. The City is relying up Articles 8 and 9 of the City's Zoning Ordinance No. 864 to determine the standards and process for the proposed legislative action. Specifically, Section 8.1 of Ord. No. 864 allows the Community Development Director to initiate a text amendment to the Zoning Ordinance. The Community Development Director has initiated this amendment to clarify the City's regulations that apply Recreational Marijuana dispensaries. Furthermore, Section 8.2(A) of Ordinance No. 864 also allows the Community Development Director to initiate a text amendment to the Zoning Ordinance. As previously discussed, the Director has initiated this proposed text amendments for the reasons specified herein. Section 8.2(A)(2)-(4) requires the Planning Commission to hold a quasi-judicial hearing if the requested change is quasi-judicial in nature, that the Planning Commission provide a recommendation regarding the proposal to the City Council based on findings of fact, and that the City Council is to hold a public hearing that allows public comment and take final action on the proposed amendments. The City Attorney has confirmed that proposed amendments are considered a legislative land use action. Nonetheless, the Planning Commission will hold a public hearing on April 4, 2018 and the City Council will hold a public hearing on April 10, 2018. Both of which have been noticed in accordance with City and state regulations.

Section 8.2(B)(1)-(4) establish the criteria for a proposed plan, map, or text amendment. The first criterion is compliance with state statutes. Staff herein by references Ordinances No. 870, 892, and 893 for which the City Council adopted to implement regulations for Recreational Marijuana of which complied with the applicable state statutes. Staff has coordinated the proposed amendments with the City Attorneys. Staff finds that the proposed ordinances comply with ORS Chapter 845, Division 25. As such, staff concludes that the proposed ordinances are compliant with the applicable state laws. Section 8.2(B)(2) and (3) of the City's Zoning Ordinance require that a proposed plan, zone, or text amendment comply with applicable Statewide Planning Goals, the City's Comprehensive Plan, and Land Use (i.e. Zoning) ordinance. Compliance with the applicable Statewide Planning Goals is demonstrated herein these findings. The proposed amendments do not rezone any land and therefore there is no change and

need to demonstrate compliance with Goals 2, 9, 10, 12, or 14 in the City's Comprehensive Plan. The City's Comprehensive Plan does establish the need to notify affected properties, interested parties, and notice all public hearings. As previously discussed, City staff has noticed both the Planning Commission and City Council public hearings in the Madras Pioneer on February 21<sup>st</sup> and 28<sup>th</sup>, 2018, respectively. Additionally, in an abundance of caution, staff has noticed all properties in the C-1, C-2, and C-3 zoning districts with a Measure 56 notice, the proposed ordinances were made available at least 21 days in advance of the April 4, 2018 Planning Commission public hearing, and City staff notified all members of the for Recreational Marijuana Advisory Committee of the proposed ordinances. As such, the City finds that it has complied with the Goal 1—Citizen Involvement provisions in the City's Comprehensive Plan. Finally, Section 8.2(A)(B)(4) requires that there be a change in circumstances or additional studies that justify the proposed amendment. The City finds that in October 2016, the City adopted Zoning and Time, Place, and Manner regulations for Recreational Marijuana. Upon passage of these regulations, staff had the understanding that all Recreational Marijuana dispensaries needed to be located on properties that were at least 1,000 feet from each other. In February 2018 with the review of the City Attorney, staff became aware that the 1,000 foot separation standards between dispensaries was not required in the current Zoning and Time, Place, and Manner regulations. Therefore, the City finds that this change in understanding of the regulations that Recreational Marijuana dispensaries are required to follow constitute a change in circumstances that necessitate a change in the regulations for Zoning and Time, Place, and Manner regulations that Recreational Marijuana dispensaries are to follow and therefore the proposed amendments comply with Section 8.2(A)(B)(4)