



WOODBURN POLICE DEPARTMENT

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Thursday, December 04, 2014

To: Jim Hendryx, Economic & Development Services Director

Subject: MEMO

From: Scott D. Russell, Chief of Police

Re: OMMP Dispensaries Ordinance Development

Introduction:

By statute, the Oregon Health Authority (OHA) is tasked with managing the Oregon Medical Marijuana Program (OMMP), and is now tasked with licensing, inspecting, and regulating OMMP dispensaries. This includes some regulation as to the location of these dispensaries. In general facilities may be located on commercial, industrial, mixed use, and agriculturally zoned properties. However, facilities cannot be co-located with OMMP grow sites or use locations. Dispensaries also cannot be located within 1,000 feet of each other or of a private or public elementary, secondary, or career school attended primarily by minors. They also must follow the Secretary of State's business rules, rules related to safety and health, and the dispensary owner must pass a criminal background check.

Thank you for requesting our input into the Planning Commission's work in the development of a draft ordinance on this issue. The Woodburn Police Department stands ready to assist the Commission with its review and deliberations on a draft ordinance. Please consider us as a resource for your committee. The following items are some of the key issues that we are concerned with:

Law Enforcement Issues:

- Cities across Oregon have undertaken the task of seeking to adopt local rules for dispensaries as allowed under SB 1531, and many (including Woodburn) have enacted a one year moratorium in order to evaluate and enact local ordinances to help regulate dispensaries.
- SB1531 allows local government to regulate dispensary:
 - Hours of operation (Time)
 - Location (Place)
 - Operations (Manner)
 - Several cities within Marion County have evaluated local ordinances and have them in process, including the two largest cities in the County (Salem & Keizer)

- As the third largest city in the County, the adoption of an ordinance that has some uniformity with the other cities' ordinances would provide an equal playing field where dispensaries would not be encouraged or discouraged from locating based upon local ordinance. This would in turn support the basis to defend any claims brought against the City.
- Law enforcement has some basic public safety concerns with dispensary hours, locations, and operations. These concerns revolve around three basic goals:
 - The protection of the public (especially children)
 - The prevention of crime and violence related to dispensary operations
 - The exclusion of criminal drug trafficking organizations (DTO) from using OMMP dispensaries as a front for their business
- While the OHA has regulation authority over the OMMP under State Statute, local experience is that the OHA has been underfunded and over-tasked with administrating the OMMP program, even prior to the creating of dispensaries. It is the combined opinion of most local law enforcement that OHA will not be able to adequately manage the OMMP dispensary program once it reaches its full height of operations. Due to this situation, local regulation is necessary at this time to reach our goals.
- Ideally location regulation should include the following areas to help reach the aforementioned law enforcement goals;
 - Enforcement:
 - Requirement to follow all OHA rules
 - Local compliance inspections to confirm OHA rule compliance
 - Local denial of a new or renewal application and permit suspension or revocation, based upon reasonable criteria and at the recommendation of the Chief of Police.
 - Operations:
 - Requirement to follow all OHA operations rules
 - Restricting hours of operations to 10AM to 8PM
 - No drive through or walk up access
 - Require OMMP Card to be displayed to gain entry to facility
 - No access for minors (under 18)
 - Allowing facility access for Government officials at any time
 - Allowing City access to business records to assure compliance with OHA rules and City Ordinance
 - Follow OHA rules for edibles
 - Security:
 - All OHA security requirements must be met (Commercial door locks, alarm, video surveillance, etc)
 - Availability and daily use of a “cash drop safe” on site
 - Allow law enforcement access to video surveillance when officer makes written request and asserts it is related to a criminal investigation
 - Confidentiality:
 - Facility owner must register by name with the City despite OHA rules
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- Health:
 - Ventilation and filtration (Aspergillums)
 - Require certificate and waiver for the City from property owner that issue has been addressed between the parties in the lease/rental agreement
- Criminal Background Checks:
 - OHA requires that the owner must submit to a background check and that a limited class of convictions occurring within last 5 years are disqualifying from licensure.
 - Local ordinance permit disqualification should include owner and all employees, and include any felony or drug related misdemeanor conviction within 15 years from conviction or 10 years from end of sentence.
- Fees:
 - Permit fee should cover at a minimum initial site plan review, background checks and site visits
 - Annual fee should do full cost recovery for at least one annual site visit
- Locations:
 - This is really a matter for the Planning Commission and City Council to address
 - However, since statute provides buffer zones for schools to protect children similar buffer zones should be considered for other places children regularly visit:
 - Public & private preschools
 - DHS registered preschools and daycare
 - Public parks and recreation facilities