

Cornelius City Council
Regular Meeting Agenda
Monday, August 7, 2017

*Centro Cultural-1110 N. Adair Street-Cornelius, OR 97113
TVCTV

7:00 pm Call to Order – Pledge of Allegiance and Roll Call

Mayor Dalin

1. **ADOPTION OF AGENDA**

2. **CONSENT AGENDA-NONE**

The items on the Consent Agenda are considered routine and all will be adopted by one motion unless a Council Member or a person in the audience requests, before the vote on the motion, to have any item considered separately. If any item is removed from the Consent Agenda, the Mayor will indicate when it will be discussed.

3. **CITIZEN PARTICIPATION – ITEMS NOT ON THE AGENDA**

Please sign a citizen participation card and turn it in to the staff table along with any written testimony. Please wait to be called up to the microphone. Please keep comments to three (3) minutes or less. Please stay on topic and do not repeat information. Please honor the process; i.e.: do not carry on conversations while others are speaking.

4. **APPOINTMENTS-NONE**

5. **PRESENTATION**

- | | | |
|----|-----------------------------------|--|
| A. | Metro Quarterly Update | Kathryn Harrington, Metro Councilor District 4 |
| B. | Legislative Update | Representative Susan McLain, District 29 |
| C. | Parks Level of Service Evaluation | Ryan Wells, Community Development Director |

6. PUBLIC HEARING

- A. Cornelius Municipal Code Amendment 02-17 Ryan Wells

7. UNFINISHED BUSINESS-NONE

8. NEW BUSINESS

- A. Ordinance No. 2017-06: Cornelius Municipal Code Amendment 02-17 Ryan Wells
B. Resolution No. 2017-31: Clean Water Services District-Fogarty Property Ryan Wells
C. Resolution No. 2017-32: Clean Water Services District-Shipman Property Ryan Wells

9. REPORTS

- A. City Council Members
B. Mayor Dalin
C. City Manager Drake

10. COUNCIL ANNOUNCEMENTS

- A. August 11, 2017: Movies in the Park-Moana
B. August 13, 2017: Summer Concert in the Park-Willow Tree Band
C. August 18, 2017: Movies in the Park-A Dog's Purpose
D. August 20, 2017: Concert in the Park-Beat Patrol
E. August 21, 2017: City Council Meeting Canceled
F. August 25, 2017: Movies in the Park-UP
G. September 4, 2017: All City Offices Closed in Recognition of Labor Day
H. September 5, 2017: City Council Meeting at Centro Cultural 7:00 pm

11. ADJOURNMENT



Handouts

- Big Backyard
- RTP handout
- Regional Snapshot infographic
- Solid Waste Roadmap handout
- Food scraps Q&A for elected officials
- Regional Waste Plan handout

Last quarter's updates: Beaverton 2/21; Forest Grove 2/27; Cornelius 3/6; Hillsboro 3/21

This quarter's updates: Cornelius 8/7; Beaverton 8/8; Forest Grove 8/14

Parks & Nature

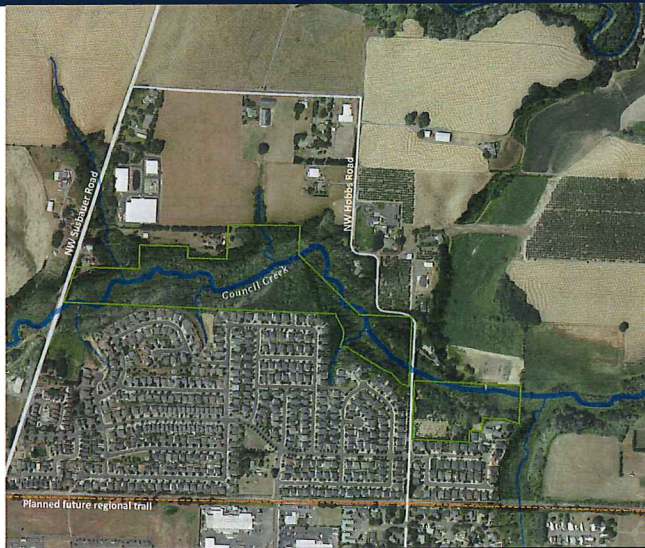
- Farmington Paddle Launch opened June 24
- Planning continuing for Newell Creek Canyon
- Killin Wetlands should open to the public in 2018



- Metro celebrated the opening of **Farmington Paddle Launch** on June 24 in partnership with Clean Water Services and Tualatin Riverkeepers. Farmington Paddle Launch provides a safe place for paddlers to access the Tualatin River and completes a long-missing piece of the Tualatin River Water Trail.
- Metro planners are working to obtain permits and to prepare for construction at **Newell Creek Canyon**, a future nature park in Oregon City that could open as early as fall 2018.
- Work continues on **Killin Wetlands**, a popular spot for birders near Banks, that could open to the public in early 2018. Metro is working to find a contractor to begin construction this year.
- And we continue our work on **Chehalem Ridge**, a 1,200-acre about 15 minutes south of Forest Grove and Cornelius. Over the past year and a half, we've heard from more than 5K community members interested in protecting clean water, restoring wildlife habitat, and finding ways to access nature. The public will get a chance to weigh in on the draft master plan later this summer, and the Metro Council is expected to consider the plan this fall. On
- Saturday, September 23 starting at 10 AM, our Nature Education team will be leading our tour to learn about the geology of Chehalem Ride, and we'll also be continuing our partnership with Centro Cultural de Washington County who will be leading additional site tours later this summer. You can learn about the project and tour opportunities at www.oregonmetro.gov/public-projects/chehalem-ridge-nature-park

East Council Creek

Working to protect the Tualatin watershed and an important natural area right next to Cornelius.



- Finally, we're excited to partner with the City of Cornelius to plan for public access at East Council Creek Natural Area, a 33-acre site on the northern edge of Cornelius with wetlands, floodplains and forest along Council Creek.
- Visitor improvements will likely include a welcoming entry, picnic areas, nature trails, interpretive features and a way for people to experience East Council Creek. We'll also continue to protect clean water and healthy habitat at the site.
- Metro's Connect with Nature initiative is an important part of the planning for East Council Creek. It's part of our efforts to make Metro destinations more welcoming for diverse communities and to create a new model for parks planning that is more inclusive. As part of our work to incorporate equity in parks planning, we'll be partnering with Centro Cultural to lead tours of the site in the coming months.
- Look for another open house some time later this summer. You can sign up to receive notices of meetings and also take our opinion survey at <http://www.oregonmetro.gov/public-projects/east-council-creek>.

Regional Transportation Plan

Working together to create a plan for safe, reliable, healthy and affordable commutes.



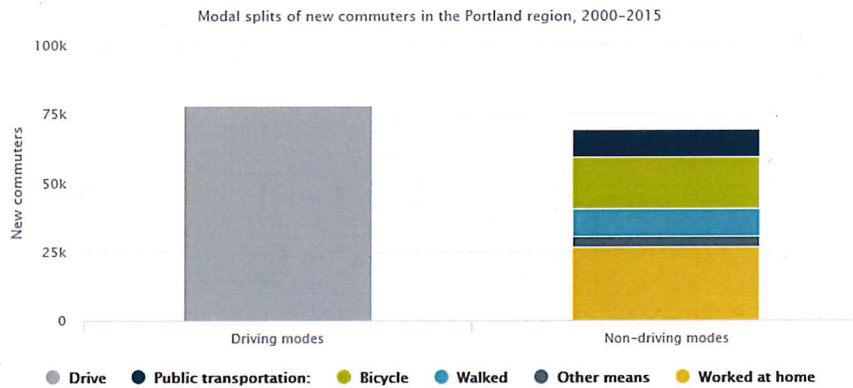
Next steps:

- **Call for projects** from cities, counties and agencies wrapped up July 21
- Metro conducts initial technical **evaluation** of draft project priorities (through December)
- **Public weighs in** on the draft project lists and evaluation's key findings (January)
- **Regional Leadership Forum** to discuss findings, update policies, refine funding information, and public input to provide direction on refinements to project priorities (February)
- Cities and counties work with other agencies to recommend additional **refinements** to project priorities (March through April)



Regional Snapshot

Since 2000, non-driving modes have absorbed nearly half of the new commuting trips in the region



Source: US Decennial Census and 2015 ACS (5-year 2015). Data is for Portland MSA.

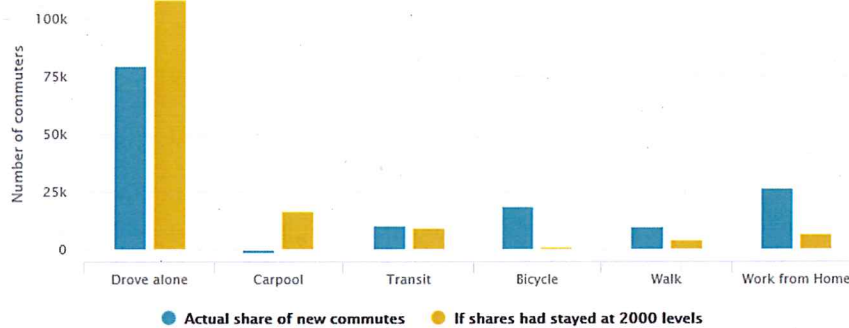
- Our current Regional Snapshot covers transportation.
- Our ability to get around – to cross bridges, travel highways and streets, catch a bus or MAX, walk or bike – is something we often take for granted.
- But as we grow and greet a changing world, how can we ensure the region's streets, roads, transit and bridges still work for everyone?
- Our summer Regional Snapshot takes a look at what makes our transportation system work - and what we can do better.
- As usual, on our website there is a lot of data and also personal stories that really get to the heart of what's happening in our region.
- I brought two interesting examples for you. This slide demonstrates that there is a lot of traffic that could be on the roads, but isn't, due to our work on providing transportation choices.



Regional Snapshot

If new commuters drove at the same rates as in 2000, greater Portland would have 47,000 more cars commuting.

Increase in regional commute trips since 2000, based on actual 2015 shares (blue) and 2000 rates (orange)



Data for Portland 7-county MSA, US Census and 2015 ACS 5-year estimates. Credit Roger Galler/City of Portland for concept.

- Even with our good work on travel options, roughly 78,000 new drivers have joined area roadways for each day's commute – squeezing through the same chokepoints and bottlenecks, spilling onto neighborhood streets and slowing buses. And that affects us all.
- I encourage you to check out Metro's website to take a look at the rich data and storytelling available in this Regional Snapshot at <http://www.oregonmetro.gov/regional-snapshots>

Solid Waste Roadmap



•As you know, Metro is considering multiple moving parts of our solid waste system under a work program we call the Solid Waste Roadmap. The goal is to have a comprehensive look at the system, to consider new technologies, and to increase the public benefits of our regional system. Three of those projects have upcoming milestones.

•current contract that requires 90% of the region's waste to go to Waste Management expires the end of 2019.

Landfill and transport RFPs

•Starting in 2020, 40% of the region's garbage will flow through the two transfer stations owned by the public; the remaining 60% will continue to flow through private transfer stations.

•Metro is preparing its RFPs for landfill and transport contracts for the 40% of garbage that will flow through the public transfer stations.

•This fall the public can weigh in on those draft RFPs for the landfill and transport contracts.

Waste to Energy

•We've also been looking at whether waste-to-energy makes sense for part of region's waste, particularly for its diversion, environmental and health benefits.

•We've had significant stakeholder engagement and conducted a Health Impact Statement.

Commercial food scraps

•Metro is working on its policy proposal for requiring businesses that generate food scraps to separate the scraps from garbage.

•This program will be phased in based on the size of the business and will divert a significant amount of food waste from going into landfills

•The draft policy proposal will be available public comment this summer and consideration by Metro Council this fall

•You can learn more about these projects and how to weigh in at <http://www.oregonmetro.gov/public-projects/future-garbage-and-recycling/food-scraps>

2030 Regional Waste Plan



- The 2030 Regional Waste Plan Metro is the blueprint that guides how the region handles and transports our garbage.
- The process will also include detailed technical analysis and the development of strategies for advancing the region as a leader in the protection of natural resources.
- The 2030 plan includes a vision for reducing the overall impacts of goods consumed in the region; policies to help ensure equity in the system; goals for achieving what residents want; and actions to accomplish those goals and ways to measure progress.
- Metro is working with a range of committees and communities around the region to ensure the next Regional Waste Plan reflects the values and priorities of residents across the region.
- To weigh in or learn more, visit <http://www.oregonmetro.gov/public-projects/future-garbage-and-recycling/system-blueprint>

Key dates

- September 2017: Metro Council endorses system vision.
- November 2017: Metro Council, MPAC and SWAAC review draft system goals and indicators.
- July 2018: Metro Council, MPAC and SWAAC review draft strategies and actions.
- October 2018: Metro Council considers adoption of 2030 Regional Waste Plan

Your questions

Kathryn Harrington

Metro Councilor, District 4

503-797-1553

kathryn.harrington@oregonmetro.gov



www.oregonmetro.gov/connect



Arts and conference centers
Garbage and recycling
Land and transportation
Oregon Zoo
Parks and nature

oregonmetro.gov



2017 Legislative Session: Highlights and Takeaways

Rep. Susan McLain



Committee Assignments

- The Joint Committee on Transportation Preservation and Modernization
 - Workgroup on Traffic Congestion and Freight Mobility
- The House Committee on Transportation Policy
 - Co-Chairing the Automated Vehicle Workgroup with Rep. Rich Vial, this is an ongoing project
- The House Committee on Education
 - Workgroup on Measure 98
- The House Committee on Agriculture and Natural Resources, Co-Vice Chair
 - Workgroup on water rights
- The Joint Legislative Audits Committee, Co-Chair with Sen. Richard Devlin



Transportation

- The Joint Committee on Transportation Preservation and Modernization toured the state to review local projects and hold public hearings.
- We worked during the Session together and in workgroups to craft House Bill 2017.
- HB 2017 will raise \$5.3 billion for infrastructure and services over the next ten years.
- HB 2017 will modernize and improve Oregon's transportation infrastructure by addressing four of the priorities heard most consistently around the state:
 - Reducing congestion;
 - Increasing alternate transportation options;
 - Investing in maintenance and preservation, improving safety of existing infrastructure; and
 - Ensuring accountability in how taxpayer dollars are spent.



Education

- We allocated \$8.2 billion from our State School Fund.
- Native American Curriculum in K-12 (SB 13) - directs the Department of Education to develop curriculum relating to Native American experience in Oregon and to provide professional development related to curriculum
- Cultural Competency in Post Secondary Education (HB 2864) - directs public universities and community colleges to establish and implement cultural competency standards
- Ethnic Studies in K-12 (HB 2845) - directs the Department of Education to organize an advisory group to develop a statewide ethnic studies standard that will be adopted into current social studies standards for public K-12 schools.
- Oregon Educator Advancement Council (SB 182) - defines the roles of the Oregon Educator Advancement Council, which I am a member of.



Housing

- Affordable Housing Preservation

- \$25 million for the preservation of affordable housing – a \$20 million increase from the last biennium.
- Affordable Housing Preservation (HB 2002) – Allows the state or localities to purchase publicly-supported housing projects that are at risk of flipping to market rate, and protects long-term affordability for units built with public dollars
- Manufactured Housing (HB 2008) – Increases tenant relocation fees in the event of a park closure, requires park owners to notify the state of a sale, and allows manufactured home park co-ops to better take advantage of the federal Rural Development Program in order to preserve parks

- Homeless Services and Prevention

- \$40 million for Emergency Housing Assistance (EHA) and the State Homeless Assistance Program (SHAP) – doubling what was allocated last biennium
- Identification Replacement (HB 2402) – Creates a grant program where homeless people may obtain certified copies of their birth certificate free or at a reduced cost.



Housing

- Increasing Housing Supply
 - \$80 million in state-backed bonds for affordable housing development via the Local Innovation Fast Track Program (LIFT).
 - Removing Local Barriers to Housing Development (SB 1051) – Increases the supply of both market rate and affordable housing by removing barriers to development at the local level, including expediting permitting for affordable housing, increasing options for developing accessory dwelling units (ADUs), and allowing religious organizations to build affordable housing on their property.
 - Oregon Affordable Housing Tax Credit (HB 2066) – Increases the cap from \$17 million to \$25 million, providing more resources for affordable housing development and preservation.
 - Land Banking (HB 2912) – Establishes an Affordable Housing Land Acquisition Revolving Loan Fund Program to make loans to eligible organizations to purchase land for affordable housing development and to provide supportive services to low-income households.



District Highlights

These policies and budgets will have a big impact on our community.

- Transportation Package - many localities will see additional dollars allocated each year.
 - Cornelius - \$301,000
 - Forest Grove - \$591,000
 - Hillsboro - \$2.5 million
 - Washington County - \$13 million
- Measure 98 Funds - Hillsboro School District will receive about \$2,920,561 and the Forest Grove School District will receive approximately \$951,785
- Bag&Baggage Productions was granted \$50,000 for their Cultural innovation Program
- Washington County Courthouse will receive a new judge!



What's Next?

- I am excited to be back in the community! I am happy to meet with constituents and community leaders, please contact my office to schedule an appointment.
- In the short sessions, members are only permitted to introduce two bills. I am still considering which concepts I will pursue, but here are some of the options:
 - I introduced HB 3105 this Session, it would create a household hazardous waste stewardship program to keep dangerous chemicals away from children and out of our rivers and streams.
 - I also introduced HB 2721, it directs the Department of Education to study certain aspects of virtual public charter schools, and would create a better understanding of how this growing educational platform works and where supports are needed.
 - SB 382 was introduced this year to address Qualification Based Selection of contracts for professional services.
- Listening Post - Tuesday, August 29th from 6:00-7:30 PM at the Hillsboro Civic Center



Thank you for having me!

Contact my staff if you would like a one-on-one meeting!
(503) 986-1429 | rep.susanmclain@oregonlegislature.gov

City of Cornelius Agenda Report

To: Honorable Mayor and Members of the City Council
From: Ryan A. Wells, Community Development Director
Through: Rob Drake, City Manager
Date: August 7, 2017
Subject: Cornelius Municipal Code Amendment: Marijuana Regulations (CMCA-02-17)



Summary: A request for the Cornelius City Council to consider amendments to Cornelius Municipal Code Chapter 18.177 to update time, place, and manner regulations for marijuana facilities.

Previous Council Action: Ordinance No. 2016-14 (November 11, 2016), establishing and updating time, place, and manner regulations for marijuana facilities.

Background: On March 19, 2014, Senate Bill 1531 was signed into law allowing for the operation of medical marijuana facilities within the state of Oregon. In 2014, the passage of Measure 91 legalized the recreational use of marijuana, based on regulation and taxation to be determined by the Oregon Liquor Control Commission. On November 11, 2016, the City Council adopted Ordinance No. 2016-014, establishing and updating time, place, and manner regulations on marijuana facilities. This also established marijuana production, processing, and wholesale facilities as conditional uses in the General Industrial (M-1) zone.

City staff and elected and appointed officials have expressed concern about the potential for “condo grows,” or large marijuana production operations managed under multiple licenses, as is increasingly common throughout Oregon. This type of operation is legal under state law, but some jurisdictions, namely Washington and Deschutes Counties, have prevented this type of operation through amendments to their land use codes. At a June 15, 2017 Planning Commission work session, Planning Commissioners discussed multiple options to address the current allowances and identified a number of preferences for how the code could be amended to prevent “condo grows”, which have a significant potential to preempt other industrial opportunities, from occurring within the Cornelius General Industrial (M-1) zone. City staff were instructed to develop a zoning code amendment reflecting the preferred approach. On June 25, 2017, based on the facts, findings and conclusions presented in the staff report and public testimony and evidence in the public hearing, the Cornelius Planning Commission voted unanimously to recommend approval of Cornelius Municipal Code Amendment File #CMCA-02-17 to the Cornelius City Council.

Financial Implications: None; marijuana sales tax revenues are only collected at the point of sale for retail sales of recreational marijuana.

Advisory Committee: The Planning Commission held a public hearing on July 25, 2017 and, following receipt of public comments and reviewing the facts, findings, and recommended conditions of approval, voted unanimously (7-0) to recommend approval of CMCA-02-17 to the City Council.

Staff Recommendation: Staff recommends City Council approval of CMCA-02-17 (Marijuana Regulations).

Motion: I make a motion to read by title only for the first reading Ordinance No. 2017-06, **AN ORDINANCE AMENDING CHAPTER 18.177 OF THE CORNELIUS MUNICIPAL CODE TO UPDATE TIME, PLACE, AND MANNER REGULATIONS FOR MARIJUANA FACILITIES,**

DECLARING AN EMERGENCY.

I make a motion to read by title only for the second reading and adoption of Ordinance No. 2017-06, **AN ORDINANCE AMENDING CHAPTER 18.177 OF THE CORNELIUS MUNICIPAL CODE TO UPDATE TIME, PLACE, AND MANNER REGULATIONS FOR MARIJUANA FACILITIES, DECLARING AN EMERGENCY** and this Ordinance takes effect immediately.

Roll Call

ORDINANCE NO. 2017-06

AN ORDINANCE AMENDING CHAPTER 18.177 OF THE CORNELIUS MUNICIPAL CODE TO UPDATE TIME, PLACE, AND MANNER REGULATIONS FOR MARIJUANA FACILITIES, DECLARING AN EMERGENCY.

WHEREAS, on March 19, 2014 Senate Bill 1531 was signed into law allowing for the operation of medical marijuana facilities within the state of Oregon; and

WHEREAS, in 2014 the passage of Measure 91 legalized the recreational use of marijuana, based on regulation and taxation to be determined by the Oregon Liquor Control Commission; and

WHEREAS, on November 11, 2016 the City Council adopted Ordinance No. 2016-014, establishing and updating time, place, and manner regulations on marijuana facilities. This also established marijuana production, processing, and wholesale facilities as conditional uses in the General Industrial (M-1) zone; and

WHEREAS, City staff and elected and appointed officials have expressed concern about the potential for “condo grows,” or large marijuana production operations managed under multiple licenses, as is increasingly common throughout Oregon; and

WHEREAS, at a June 15, 2017 Planning Commission work session, Planning Commissioners discussed multiple options to address the current allowances and identified a number of preferences for how the code could be amended to prevent “condo grows” from occurring within the Cornelius General Industrial (M-1) zone; and

WHEREAS, on June 25, 2017, based on the facts, findings and conclusions presented in the staff report and public testimony and evidence in the public hearing, the Cornelius Planning Commission voted unanimously to recommend approval of Cornelius Municipal Code Amendment File #CMCA-02-17 to the Cornelius City Council; and

WHEREAS, the City Council received Staff’s recommendation on the matter at a duly noticed hearing on August 7, 2017, and accepts Staff’s recommendation; and

WHEREAS, the City Council further determines that it will adopt Staff’s findings of fact for the proposed Cornelius Municipal Code amendments.

NOW THEREFORE THE CITY OF CORNELIUS ORDAINS AS FOLLOWS:

SECTION 1. The Cornelius Municipal Code, as amended, is further amended with the changes as set forth in Exhibit A.

SECTION 2. The City Council’s adoption includes the Staff findings attached as Exhibit B.

SECTION 3. The City Council believes the immediate adoption of this Ordinance is necessary for the immediate preservation of the public's peace, health and safety, and therefore declares an emergency exists such that, this Ordinance shall be in effect as of its passage.

SECTION 4. This Ordinance becomes effective immediately upon adoption.

INTRODUCED AND ADOPTED by the Cornelius City Council at their regular meeting this 7TH day of August, 2017.

By: _____
Jeffrey C. Dalin, Mayor

ATTEST:

By: _____
Debby Roth, MMC, City Recorder

EXHIBIT A

CORNELIUS MUNICIPAL CODE AMENDMENT LAND USE FILE NO. CMCA-02-17 MARIJUANA REGULATIONS

Language proposed to be added shown in ***bold italic*** typeface;
Language proposed to be deleted shown in ~~overstrike~~ typeface;
Explanatory comments not included in amendments shown in *[bracketed italic gray highlight]*;
Unchanged language omitted for brevity except where necessary for context

Chapter 18.177 MARIJUANA REGULATIONS

18.177.010 Purpose and intent.

The purpose of this chapter of the Cornelius Municipal Code is to promote the public health, safety, and general welfare by establishing standards and regulations in the city of Cornelius for the operation of marijuana related activities and facilities as allowed by state law.

18.177.020 Compliance with state law.

The operation of medical marijuana facilities shall be pursuant to OAR Chapter [333](#), Division [8](#). The operation of recreational marijuana facilities shall be pursuant to OAR Chapter [845](#), Division [25](#). Any conflict between the regulations herein and the applicable state law shall default to the more comparatively restrictive of the two.

18.177.025 Definitions.*

“Cannabinoid” means any of the chemical compounds that are the active constituents of marijuana.

“Consumer” means an adult person who purchases, acquires, owns, holds or uses marijuana items for a purpose other than resale.

“Marijuana” means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. Marijuana does not include industrial hemp as defined in ORS [571.300](#).

“Marijuana processing facility” means a building or structure used in whole or in part for processing marijuana as defined in Chapter 614, Oregon Laws 2015 as the processing, compounding or conversion of marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extracts, and which is registered with the Oregon Health Authority under ORS [475B.435](#) or licensed by the Oregon Liquor Control Commission under ORS [475B.090](#). Processing does not include packaging or labeling.

“Marijuana waste” means the unwanted part or parts of a marijuana plant including, but not limited to, trimmings, shake, stems, remnants, by-products or any other vegetative elements of a marijuana plant that a generator wishes to dispose of. Marijuana waste for the purposes of this chapter does not include part or parts of a marijuana plant that have been treated or contaminated with solvents, or other chemicals that would be considered household hazardous waste or hazardous waste.

“Medical marijuana dispensary” means a retail facility, registered by the Oregon Health Authority under ORS [475B.450](#), that is allowed to receive marijuana, immature marijuana plants, or usable marijuana products (such as edible products, ointments, concentrates or tinctures) and to transfer or sell that marijuana, immature plants, or usable products to a person with a valid Oregon Medical Marijuana Program card (a patient or the patient’s caregiver) or to persons over the age of 21 as described in Enrolled Senate Bill 460, Oregon Legislative Assembly 2015 Regular Session.

“Premises” or “licensed premises” includes the following areas of a location licensed under Section 19, 20, 21 or 22, Chapter 1, Oregon Laws 2015:

(A) All public and private enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, restrooms and storerooms, including all public and private areas;

(B) All areas outside of a building that the Oregon Liquor Control Commission has specifically licensed for the production, processing, wholesale sale, or retail sale of marijuana items; and

(C) For a location that the commission has specifically licensed for the production of marijuana outside of a building, the entire lot or parcel, as defined in ORS 92.010, that the licensee owns, leases, or has a right to occupy.

(D) “Premises” or “licensed premises” does not include a primary residence.

“Production facility” means a building or structure used in whole or in part for producing marijuana as defined in Chapter 614, Oregon Laws 2015, as the manufacture, planting, cultivation, growing or harvesting of marijuana, and which is registered with the Oregon Health Authority under ORS [475B.420](#) or licensed by the Oregon Liquor Control Commission under ORS [475B.070](#). Producing does not include drying or cultivation of immature plants received from a producer, or the cultivation and growing of an immature marijuana plant by a processor, wholesaler, or retailer if that party purchased or otherwise received the plant from a licensed producer.

“Propagate” means to grow immature marijuana plants or to breed or produce the seeds of the plant Cannabis family Cannabaceae.

“Retail sales facility” means a building or structure used in whole or in part for retail sales to a consumer of recreational marijuana, cannabinoid products, and miscellaneous items, and which is licensed by the Oregon Liquor Control Commission.

“Testing laboratory” means a building or structure used in whole or in part for testing of marijuana items, and which is accredited under ORS [438.605](#) to [438.620](#) and licensed by the Oregon Liquor Control Commission.

“Wholesale sales facility” means a building or structure used in whole or in part for wholesale sales of marijuana, cannabinoid products, and miscellaneous items to a person other than a consumer, and which is registered with the Oregon Health Authority or licensed by the Oregon Liquor Control Commission.

18.177.030 Business license required.

Any person or entity intending to operate a medical marijuana dispensary, retail sales facility, processing facility, production facility, or wholesale sales facility within the city of Cornelius shall first be required to obtain a city business license and pay the applicable business tax pursuant to Chapter [5.05](#) CMC.

18.177.040 Approval process.

A medical marijuana dispensary, retail sales facility, processing facility, production facility, or wholesale sales facility may only be permitted as a ***Type III*** conditional use under Chapter [18.105](#) CMC and only in zones where such facilities or uses are specifically allowed. Applications for any of the above-listed types of facilities shall be required to notice all properties within 1,000 feet of the property of the proposed facility for all required public notices. ***The City will require a proof of a license from the State (either OHA or OLCC) confirming the security plan and all other required improvements, prior to final occupancy.***

18.177.050 Standards.

(A) Hours of Operation. Medical marijuana dispensaries or retail sales facilities shall operate only between the hours of 10:00 a.m. to 10:00 p.m. Monday through Sunday. An individual dispensary or retail sales facility may set hours within those specified, but may not be open outside those parameters.

(B) Public Access Prohibited. Access to a medical marijuana dispensary or retail sales facility shall be limited to employees, personnel, and customers over the age of 21.

(C) Security Measures Required.

(1) Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.

(2) Exterior lighting shall be provided and continuously maintained.

(3) Any security bars installed on doors or windows visible from the public right-of-way shall be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.

(D) All marijuana products and paraphernalia sold must be enclosed in an opaque bag or container upon exiting a dispensary or retail facility.

(E) Marijuana Waste.

(1) Prior to disposal, marijuana waste shall be rendered unusable by either grinding and mixing (at a ratio of at least 1:1) with other compostable materials or yard waste, or by mixing with non-compostable solid waste such as paper, cardboard, plastic, soils, or other approved materials.

(2) Marijuana waste shall be temporarily stored in an **secured** indoor container until it is rendered unusable.

(3) Any facility generating marijuana waste shall use the services of a solid waste franchisee or self-haul such materials to a properly licensed and approved solid waste disposal or recycling facility.

(4) An alternative waste security system approved by the community development director, demonstrating that the alternative system will render marijuana waste unusable equally or better than the required grinding, mixing, and disposal system.

(F) Odor Mitigation Measures Required. Production and processing facilities shall install and maintain enhanced ventilation systems designed to prevent detection of marijuana odor from adjacent properties or the public right-of-way. Such systems shall include the following features:

(1) Installation of activated carbon filters on all exhaust outlets to the building exterior;

(2) Location of exhaust outlets a minimum of 10 feet from the property line; ~~three feet from exterior walls;~~ and 10 feet above finished grade; and

(3) Maintenance of negative air pressure within the facility; or

(4) An alternative odor control system approved by the building official based on a report by a mechanical engineer licensed in the state of Oregon, demonstrating that the alternative system will control odor equally or better than the required activated carbon filtration system.

(G) Co-Location Prohibited. A medical marijuana dispensary or retail sales facility shall not be located at the same address with any facility or business at which medical marijuana is consumed by cardholders.

(H) Mobile or Temporary Businesses Prohibited. A medical marijuana dispensary or retail sales facility may not operate as a mobile or temporary business as defined in the Cornelius Municipal Code.

(I) Drive-In or Drive-Through Facilities Prohibited. A medical marijuana dispensary or retail sales facility shall not have a drive-in or drive-through facility.

(J) Marijuana Production Limits. In addition to limits imposed by OAR Chapter 333, Division 8 and OAR Chapter 845, Division 25, no more than one (1) Oregon Liquor Control Commission (OLCC) licensed marijuana production or Oregon Health Authority (OHA) registered medical marijuana grow site shall be allowed per legal parcel or lot.

(JK) Proximity Restrictions. A medical marijuana dispensary, retail sales facility, processing facility, production facility, or wholesale facility shall not be located within the specified proximity of any of the uses listed below. For purposes of this subsection, the distance specified is measured from the closest points between property lines of the affected properties:

(1) Schools. Within 1,000 feet of a public or private elementary, middle, or high school or other school attended primarily by children under 18 years of age.

(2) Public and Private Plazas and Parks. Within 500 feet of a public or private plaza or active use park. As used in this subsection, a public plaza or park includes a plaza or park owned and maintained by the city of Cornelius or its assigns. A private plaza or park includes a plaza or park owned and maintained by a homeowner's association (HOA).

(3) Other Uses. Within any distance from any other use as specified by state law.

(KL) Other Dispensaries or Retail Sales Facilities. A medical marijuana dispensary or recreational marijuana retail sales facility may not be located within 1,000 feet of another medical marijuana dispensary or recreational marijuana retail sales facility.

(LM) Outdoor Marijuana Production Prohibited. All outdoor cultivation of marijuana within the city is prohibited, except in the case of an individual registered residential ***medical marijuana*** grow site authorized

under OAR 333-008. Except as noted herein, it is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel within any zoning district in the city of Cornelius to cause or allow such parcel to be used for the outdoor cultivation of marijuana.

~~(MM)~~ Exceptions to Proximity Restrictions. A medical marijuana dispensary, retail sales facility, processing facility, production facility, or wholesale facility that exists at the time any use listed in subsection (J) of this section is developed, converted, or constructed and as a result is located within 1,000 feet of any of the above-listed facilities may remain at that location ***until such time as the business license expires or the approved use ceases to legally exist. Following a business license expiration or cessation of operations, the property shall be subject to the proximity restrictions in effect at the time of cessation.***

DRAFT



**CITY OF CORNELIUS
COMMUNITY DEVELOPMENT DEPARTMENT**

Marijuana Regulations

CMCA-02-17

City Council Hearing: August 7, 2017

Staff Report Date: July 26, 2017

Request: A request for the Cornelius City Council to consider amendments to Cornelius Municipal Code Chapter 18.177 to update time, place, and manner regulations for marijuana facilities.

Applicant: The City of Cornelius Community Development Department

Process: Cornelius Municipal Code (CMC) Section 1.05.110 (Amendment and repeal of code sections) identifies the process and requirements for amending the code. The Section states the following:

1.05.110 Amendment and repeal of code sections.

This code is the general and permanent law of the city. The council may enact three types of general ordinances to affect this code. Such ordinances may (A) amend existing provisions; (B) add new provisions; or (C) repeal existing provisions. A general ordinance shall specifically amend or repeal a particular section of this code, and a general ordinance creating a new code section shall integrate the new section into the numbering system and organization of this code.

Application review procedures are provided in CMC Section 18.15.010 (Application review). Amendments specific to the Zoning Ordinance must follow the procedures listed in CMC Section 18.125.010 (Procedure).

APPEAL RIGHTS

Any appeal of a decision by City Council shall be made to the State Land Use Board of Appeals, it must be raised before the close of the record of the Public Hearing.

Such issues must be raised with sufficient specificity so as to afford the hearing body and the parties an adequate opportunity to respond to each issue. If there is no continuance granted at the hearing, any participant in the hearing may request that the record remain open for at least seven days after the hearing.

APPLICABLE CRITERIA

Community Development Code/Zoning Ordinance Amendment:

- Chapter 18.125 (Amendment to the Zoning Ordinance)

BASIC FACTS AND BACKGROUND INFORMATION

1. On March 19, 2014, Senate Bill 1531 was signed into law allowing for the operation of medical marijuana facilities within the state of Oregon.
2. In 2014 the passage of Measure 91 legalized the recreational use of marijuana, based on regulation and taxation to be determined by the Oregon Liquor Control Commission.
3. On November 11, 2016, the City Council adopted Ordinance No. 2016-014, establishing and updating time, place, and manner regulations on marijuana facilities. This also established marijuana production, processing, and wholesale facilities as conditional uses in the General Industrial (M-1) zone.
4. City staff and elected and appointed officials have expressed concern about the potential for “condo grows,” or large marijuana production operations managed under multiple licenses, as is increasingly common throughout Oregon. This type of operation is legal under state law, but some jurisdictions, namely Washington and Deschutes Counties, have prevented this type of operation through amendments to their land use codes.
5. At a June 15, 2017 Planning Commission work session, Planning Commissioners discussed multiple options to address the current allowances and identified a number of preferences for how the code could be amended to prevent “condo grows” from occurring within the Cornelius General Industrial (M-1) zone. City staff were instructed to develop a zoning code amendment reflecting the preferred approach.
6. On June 25, 2017, based on the facts, findings and conclusions presented in the staff report and public testimony and evidence in the public hearing, the Cornelius Planning Commission voted unanimously to recommend approval of Cornelius Municipal Code Amendment File #CMCA-02-17 to the Cornelius City Council.

ZONING ORDINANCE AMENDMENT REVIEW CRITERIA

Section 18.125(C), Approval Criteria:

1. *The proposal conforms with the City's Comprehensive Plan.*

Findings: In addition to updating definitions and providing clarity for proximity-based regulations, the proposed text amendments are intended to update or establish policies related to medical and recreational marijuana production facilities, in accordance with current law. The intent of this amendment is to encourage compliance with Policy 1 under Chapter V of the Cornelius Comprehensive Plan, which reads: “Support and promote continued commercial and light industrial development and diversification of the area's economy.” The potential loss for economic diversification resulting from a large “condo grow” that could monopolize one or more significant industrial properties in Cornelius could be significant.

The City desires growth in family-wage jobs in our industrial area. The current market rate for production assistants in the Oregon marijuana industry is generally \$12-\$15 per hour (\$24,960 - \$31,200 gross annual wage at full-time); as of July 1, 2017, the Oregon state minimum wage for the Portland metro region (Washington, Multnomah, and Clackamas Counties) is \$11.25 per hour. Median household income for Cornelius in 2015 was \$54,390. There is a significant chance for loss in city residents’ employment and earning potential if a “condo grow” were to be established on a large industrial property in Cornelius, thereby pre-empting any other potential industrial users that could provide family-wage, skilled labor jobs. Maintaining tighter controls on the uses allowed in the General Industrial zone through the time, place, and manner regulations for marijuana production facilities, as proposed herein as Exhibit “A”, will serve to support the above-referenced Comprehensive Plan policy.

Conclusions: Based upon the finding above, Staff concludes this criterion is met.

2. *The permitted uses of the proposed new zone will not materially and/or adversely affect the character of the neighborhood.*

Findings: In addition to updating definitions and providing clarity for proximity-based regulations, the proposed text amendments are intended to update or establish policies related to medical and recreational marijuana production facilities in the General Industrial (M-1) zone, in accordance with current law.

In accordance with Senate Bill 1531 and Measure 91, both medical and recreational marijuana facilities are legal in the State of Oregon, subject to state regulations and oversight. As such, it is the City’s intention to treat these uses relatively consistent with other permitted uses for these zoning designations. However, to mitigate the potential detrimental effects of the city’s economy and industrial/employment lands utilization that could arise from large, multi-license grow operations, a limit to the number of licenses allowed to operate on any single legal lot or parcel will direct marijuana production facilities to those properties that can best accommodate the associated limited grow canopy allowances. With these additional precautions and time, place, and manner regulations proposed in this amendment, it is City staff’s position that the conditional

permitting of medical and recreational marijuana production facilities in the M-1 zone will not materially and/or adversely affect the character of the respective employment land areas.

Conclusions: Based upon the findings above, Staff concludes this criterion is met.

1. *The proposal will place all property similarly situated in the area in the same zoning category or in appropriate complementary categories, without creating a “spot zone”.*

Findings: In addition to updating definitions and providing clarity for proximity-based regulations, the proposed text amendments are intended to update or establish policies related to medical and recreational marijuana production facilities, in accordance with current law. They will apply uniformly to properties within conditionally-permitted zoning designations, subject to regulatory buffers and time, place, and manner regulations. There will be no properties within the applicable zoning designations that are uniquely identified to be favored or discouraged for the conditionally-permitted uses referenced in this staff report.

Conclusions: Based upon the findings above, Staff finds that this criterion is met.

RECOMMENDATION

Based upon the facts, findings and conclusions in the Staff Report, the Community Development Director and Planning Commission recommends approval CMCA-02-17, Marijuana Regulations, to the Cornelius City Council.

DATE OF STAFF REPORT AND RECOMMENDATION: July 25, 2017



Ryan A. Wells, AICP, Community Development Director

Exhibits: “A” Draft Cornelius Municipal Code Amendment No. CMCA-02-17
 “B” Draft Ordinance No. 2017-XX

City of Cornelius Agenda Report

To: Honorable Mayor and Members of the City Council
From: Ryan A. Wells, Community Development Director
Through: Rob Drake, City Manager
Date: August 7, 2017
Subject: Resolution No. 2017-31:Fogarty Property CWS Annexation-Resolution of Endorsement



Summary: A resolution endorsing the annexation of certain tracts of land into the Clean Water Services service district and any other special districts necessary for the provision of urban services to the properties annexed to the City through Ordinance No. 2016-013.

Previous Council Action: Annexation and Zoning Map Amendment for the Fogarty Property, Ordinance No. 2016-013.

Background: On October 17, 2016, the City Council adopted Ordinance 2016-013, approving the annexation and zone map amendment for 13.77 acres in the NE Urban Growth Boundary (UGB) area known as the “Fogarty Property.” Prior to the approval of any development applications, the property must be annexed into jurisdictional boundary of Clean Water Services (CWS) which provides sanitary and storm water service to the City of Cornelius urban area. Oregon Revised Statutes (ORS) 198.720(1) states in part, “...if any part of the territory subject to a petition for formation or annexation is within a city, the petition shall be accompanied by a certified copy of a resolution of the governing body of the city approving the petition.” This resolution affirms the City Council’s endorsement of the annexation of the Fogarty Property into the CWS boundary, as well as any other special district boundaries that may be necessary for the provision of urban services to the property.

Financial Implications: The Fogarty Property will be subject to System Development Charges (SDCs) and fees imposed by CWS and collected by the City through the Intergovernmental Agreement between Cornelius and CWS. The City will retain the local portion of SDCs and fees. All processing and recordation costs of the annexation will be borne by the applicant.

Staff Recommendation: Staff recommends Council approve Resolution No. 2017-31, endorsing the annexation of certain tracts of land into the Clean Water Services service district and any other special districts necessary for the provision of urban services to the properties annexed to the City through Ordinance No. 2016-013.

Proposed Motion: I make a motion that the Cornelius City Council approve Resolution No. 2017-31, **A RESOLUTION OF THE CORNELIUS CITY COUNCIL ENDORSING THE ANNEXATION OF CERTAIN TRACTS OF LAND INTO THE CLEAN WATER SERVICES SERVICE DISTRICT AND ANY OTHER SPECIAL DISTRICTS NECESSARY FOR THE PROVISION OF URBAN SERVICES TO THE PROPERTIES ANNEXED TO THE CITY THROUGH ORDINANCE NO. 2016-013**, and this action takes effect immediately.

Exhibits: Resolution No. 2017-31

RESOLUTION NO. 2017-31

A RESOLUTION OF THE CORNELIUS CITY COUNCIL ENDORSING THE ANNEXATION OF CERTAIN TRACTS OF LAND INTO THE CLEAN WATER SERVICES SERVICE DISTRICT AND ANY OTHER SPECIAL DISTRICTS NECESSARY FOR THE PROVISION OF URBAN SERVICES TO THE PROPERTIES ANNEXED TO THE CITY THROUGH ORDINANCE NO. 2016-013.

WHEREAS, the City of Cornelius Planning Commission held a public hearing on September 27, 2016 for the annexation and zoning map amendment of approximately 13.77 acres of land known as the “Fogarty Property,” and based on the facts, findings, and conclusions presented in the staff report and public testimony received, adopted by motion to recommend to the City Council approval of the annexation and zoning map amendment; and

WHEREAS, the City of Cornelius City Council, after providing the required notices, held a public hearing on October 17, 2016 to review the record of the Planning Commission, and to hear and consider additional evidence and testimony on the matter; and

WHEREAS, upon finding the proposed annexation and zoning map amendment to be in compliance with the City’s Comprehensive Plan, the City’s Municipal Code, the Statewide Planning Goals, Oregon Administrative Rules, and the Metro Code, as set forth in the Findings Report and the Planning Commission Recommendation Report, the City Council approved the annexation and zoning map amendment October 17, 2016 through Ordinance No. 2016-013; and

WHEREAS, ORS 198.720(1) states in part, “...if any part of the territory subject to a petition for formation or annexation is within a city, the petition shall be accompanied by a certified copy of a resolution of the governing body of the city approving the petition”; and

WHEREAS, Clean Water Services (CWS) provides urban services to properties within the corporate boundary of the City of Cornelius and as such requires a separate annexation into their service district; and

WHEREAS, per ORS 198.720(1), the CWS Board requires an endorsement from the governing body of the City supporting said annexation.

NOW THEREFORE, BE IT RESOLVED BY THE CORNELIUS CITY COUNCIL AS FOLLOWS:

SECTION 1. The City supports the future annexation into the CWS service district as necessary for the provision of urban services to the properties annexed into the City through Ord. No. 2016-013.

SECTION 2. The City supports the future annexation into any other special districts as necessary for the provision of urban services to the properties annexed into the City through Ord. No. 2016-013.

SECTION 3. This resolution is effective immediately upon its enactment by the City Council.

INTRODUCED AND APPROVED by the Cornelius City Council at a regular scheduled meeting this 7th day of August, 2017.

City of Cornelius, Oregon

By: _____
Jeffrey C. Dalin, Mayor

ATTEST:

By: _____
Debby Roth, MMC, City Recorder

City of Cornelius Agenda Report

To: Honorable Mayor and Members of the City Council
From: Ryan A. Wells, Community Development Director
Through: Rob Drake, City Manager
Date: August 7, 2017
Subject: Resolution No. 2017-32:Shipman Property CWS Annexation-Resolution of Endorsement



Summary: A resolution endorsing the annexation of certain tracts of land into the Clean Water Services service district and any other special districts necessary for the provision of urban services to the properties annexed to the City through Ordinance No. 2017-05.

Previous Council Action: Annexation and Zoning Map Amendment for the Shipman Property, Ordinance No. 2017-05

Background: On July 10, 2017, the City Council adopted Ordinance 2017-05, approving the annexation and zone map amendment for 4.75 acres in the NE Urban Growth Boundary (UGB) area known as the "Shipman Property." Prior to the approval of any development applications, the property must be annexed into jurisdictional boundary of Clean Water Services (CWS) which provides sanitary and storm water service to the City of Cornelius urban area. Oregon Revised Statutes (ORS) 198.720(1) states in part, "...if any part of the territory subject to a petition for formation or annexation is within a city, the petition shall be accompanied by a certified copy of a resolution of the governing body of the city approving the petition." This resolution affirms the City Council's endorsement of the annexation of the Shipman Property into the CWS boundary, as well as any other special district boundaries that may be necessary for the provision of urban services to the property.

Financial Implications: The Shipman Property will be subject to System Development Charges (SDCs) and fees imposed by CWS and collected by the City through the Intergovernmental Agreement between Cornelius and CWS. The City will retain the local portion of SDCs and fees. All processing and recordation costs of the annexation will be borne by the applicant.

Staff Recommendation: Staff recommends Council approve Resolution No. 2017-32, endorsing the annexation of certain tracts of land into the Clean Water Services service district and any other special districts necessary for the provision of urban services to the properties annexed to the City through Ordinance No. 2017-05.

Proposed Motion: I make that the Cornelius City Council approve Resolution No. 2017-32, **A RESOLUTION OF THE CORNELIUS CITY COUNCIL ENDORSING THE ANNEXATION OF CERTAIN TRACTS OF LAND INTO THE CLEAN WATER SERVICES SERVICE DISTRICT AND ANY OTHER SPECIAL DISTRICTS NECESSARY FOR THE PROVISION OF URBAN SERVICES TO THE PROPERTIES ANNEXED TO THE CITY THROUGH ORDINANCE NO. 2017-05** and this action takes effect immediately.

Exhibit: Resolution No. 2017-32

RESOLUTION NO. 2017-32

A RESOLUTION OF THE CORNELIUS CITY COUNCIL ENDORSING THE ANNEXATION OF CERTAIN TRACTS OF LAND INTO THE CLEAN WATER SERVICES SERVICE DISTRICT AND ANY OTHER SPECIAL DISTRICTS NECESSARY FOR THE PROVISION OF URBAN SERVICES TO THE PROPERTIES ANNEXED TO THE CITY THROUGH ORDINANCE NO. 2017-05.

WHEREAS, the City of Cornelius Planning Commission held a public hearing on June 27, 2017 for the annexation and zoning map amendment of approximately 4.75 acres of land known as the “Shipman Property,” and based on the facts, findings, and conclusions presented in the staff report and public testimony received, adopted by motion to recommend to the City Council approval of the annexation and zoning map amendment; and

WHEREAS, the City of Cornelius City Council, after providing the required notices, held a public hearing on July 10, 2017 to review the record of the Planning Commission, and to hear and consider additional evidence and testimony on the matter; and

WHEREAS, upon finding the proposed annexation and zoning map amendment to be in compliance with the City’s Comprehensive Plan, the City’s Municipal Code, the Statewide Planning Goals, Oregon Administrative Rules, and the Metro Code, as set forth in the Findings Report and the Planning Commission Recommendation Report, the City Council approved the annexation and zoning map amendment on July 10, 2017 through Ordinance No. 2017-05; and

WHEREAS, ORS 198.720(1) states in part, “...if any part of the territory subject to a petition for formation or annexation is within a city, the petition shall be accompanied by a certified copy of a resolution of the governing body of the city approving the petition”; and

WHEREAS, Clean Water Services (CWS) provides urban services to properties within the corporate boundary of the City of Cornelius and as such requires a separate annexation into their service district; and

WHEREAS, per ORS 198.720(1), the CWS Board requires an endorsement from the governing body of the City supporting said annexation.

NOW THEREFORE, BE IT RESOLVED BY THE CORNELIUS CITY COUNCIL AS FOLLOWS:

SECTION 1. The City supports the future annexation into the CWS service district as necessary for the provision of urban services to the properties annexed into the City through Ord. No. 2017-05.

SECTION 2. The City supports the future annexation into any other special districts as necessary for the provision of urban services to the properties annexed into the City through Ord. No. 2017-05.

SECTION 3. This resolution is effective immediately upon its enactment by the City Council.

INTRODUCED AND APPROVED by the Cornelius City Council at a regularl scheduled meeting this 7th day of August, 2017.

City of Cornelius, Oregon

By: _____
Jeffrey C. Dalin, Mayor

ATTEST:

By: _____
Debby Roth, MMC, City Recorder