



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: March 27, 2015
Jurisdiction: City of Cornelius
Local file no.: None
DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 03/24/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 001-15 {23597}

Received: 3/24/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Cornelius

Local file no.: **ORD 2015-03**

Date of adoption: 3-16-15

Date sent: 3-24-15

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 2-4-15

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

The text was slightly changed. For those portions of the ordinance where we prohibited the use we removed the language "as defined by Oregon Administrative Rule" and we added a clarification for the how the buffer of the state licensed daycare facilities is measured.

Local contact (name and title): Michael Cerbone

Phone: 503 357 3011

E-mail: mcerbone@ci.cornelius.or.us

Street address: 1355 N Barlow

City: Cornelius

Zip: 97113-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Sections 18.45.030, 18.54.040, 18.55.040, 18.65.040, 18.70.050, 18.75.040, 18.80.040, and 18.50.060

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

This was an amendment to allow medical marijuana dispensaries within the community, we allowed them to occur in our C-2 zone and prohibited them within 1,000 feet of a state licensed daycare. We also specifically prohibited marijuana facilities within our commercial (other than C-2) and industrial zones.

**ORDINANCE NO. 2015-03
CORNELIUS, OREGON**

**AN ORDINANCE AMENDING SECTIONS 18.45.030, 18.54.040, 18.55.040, 18.65.040, 18.70.050,
18.75.040, AND 18.80.040 and ADDING SECTION 18.50.060 TO REGULATE THE LOCATION OF
MARIJUANA FACILITIES WITHIN THE CITY**

FINDINGS:

1. On March 19th, 2014, Senate Bill 1531 was signed into law allowing for the operation of medical marijuana facilities within the state of Oregon.
2. The City of Cornelius desires to accommodate the location of medical marijuana facilities within the community.
3. The City believes it is in the best interest of the community to regulate the location and process for establishment of medical marijuana facilities and marijuana facilities.

**NOW THEREFORE, BASED ON THE FOREGOING, THE CITY OF CORNELIUS ORDAINS AS
FOLLOWS:**

Section 1. Section 18.45.030 of the Cornelius City Code is hereby amended as outlined in Exhibit A.

Section 2. Section 18.50.60 is hereby added to Chapter 18.50 the Core Commercial-Employment District of the Cornelius City Code as outlined in Exhibit A.

Section 3. Section 18.54.040 the Light Industrial Zone of the Cornelius City Code is hereby amended as outlined in Exhibit A.

Section 4. Section 18.55.040 the General Industrial Zone of the Cornelius City Code is hereby amended as outlined in Exhibit A.

Section 5. Section 18.65.040 the Main Street Retail Commercial Zone of the Cornelius City Code is hereby amended as outlined in Exhibit A.

Section 6. Section 18.70.050 the Main Street Mixed Use Zone of the Cornelius City Code is hereby amended as outlined in Exhibit A.

Section 7. Section 18.75.040 the Main Street Employment Zone of the Cornelius City Code is hereby amended as outlined in Exhibit A.

Section 8. Section 18.80.040 the Main Street Civic Zone of the Cornelius City Code is hereby amended as outlined in Exhibit A.

Section 9. Upon adoption by the Cornelius City Council this ordinance shall take effect in 30 days.

PRESENTED AND ADOPTED this 16th day of March, 2015.

City of Cornelius, Oregon

By: Jeffrey C. Dalin
Jeffrey C. Dalin, Mayor

ATTEST:

By: Debby Roth
Debby Roth, MMC, City Recorder-Treasurer

18.45.030 CONDITIONAL USES PERMITTED.

In a C-2 zone the following uses and their accessory uses may be permitted when in accordance with Chapter 18.105 CCC:

- (A) Outdoor storage and/or display of merchandise, materials, goods, and equipment, or any other outdoor activity.
- (B) Government or other similar institutional uses.
- (C) Warehouse or wholesale operation.
- (D) Above ground utility yard and above ground storage tanks.
- (E) Large machinery or farm equipment sales, service or rental.
- (F) A planned unit development, as provided under Chapter 18.110 CCC.
- (G) Requests to exceed the permitted building height.
- (H) Church and associated church activities.
- (I) Service stations and fuel distribution, provided storage tanks are underground.
- (J) Multi-family dwelling units, including a residential facility consistent with state law, and all shall be consistent with A-2 standards.
- (K) Medical Marijuana Facilities as defined by Oregon Administrative Rule subject to the following requirements in addition to the provisions of Chapter 18.105:
 - (1) No Medical Marijuana Facility may be located within 1,000 feet of a State Licensed Day Care provider within the Cornelius city limits.
 - (2) An application for a Medical Marijuana Facility shall be required to notice all properties within 1,000 feet of the property of the proposed facility for all required public notices.
 - (3) The location and operation of a Medical Marijuana Facility is subject Oregon Administrative Rule Chapter 333 as well as those additional provisions set forth within the Cornelius City Code.

Section 18.50.60 is hereby added to Chapter 18.50 the Core Commercial-Employment District of the Cornelius City Code as follows:

18.50.060 PROHIBITED USES.

In the CE zone the following uses are not allowed:

- (A) Marijuana Facility.

Section 18.54.040 the Light Industrial Zone of the Cornelius City Code is hereby amended as follows:

18.54.040 PROHIBITED USES

The following uses are expressly prohibited:

- (A) Outdoor storage and/or display of raw materials.
- (B) Auto wrecking and junk or salvage yards.
- (C) Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products.
- (D) General purpose solid waste landfills, incinerators, and other solid waste facilities.
- (E) Pulp mills and paper mills.
- (F) Slaughter of livestock or poultry, the manufacture of animal by-products or fat rendering.
- (G) Leather tanneries.
- (H) Indoor motor vehicle sports.
- (I) Horse stables, riding arenas and other livestock event facilities.
- (J) Marijuana Facilities.

Section 18.55.040 the General Industrial Zone of the Cornelius City Code is hereby amended as follows:

18.55.040 PROHIBITED USES.

- (A) General retail, except as identified as a conditional use in CCC 18.55.030.
- (B) No residential use shall be permitted, except as a nonconforming structure and/or use.
- (C) Marijuana Facilities.

Section 18.65.040 the Main Street Retail Commercial Zone of the Cornelius City Code is hereby amended as follows:

In the MSR zone the following uses are not allowed: Only uses specifically listed in CCC 18.65.020 and 18.65.030, and uses similar to these, are permitted in this district. The following uses are expressly prohibited: Industrial uses; automobile drive-up, drive-in and drive-through uses; automobile, truck, recreational vehicle storage, repair, fuel and/or sales; Marijuana Facilities.

Section 18.70.050 the Main Street Mixed Use Zone of the Cornelius City Code is hereby amended as follows:

18.70.050 PROHIBITED USES.

In the MSM zone the following uses are not allowed:

Only uses specifically listed in CCC 18.70.030 and 18.70.040, and uses similar to these, are permitted in this district. The following uses are expressly prohibited: Industrial uses; automobile, truck, recreational vehicle storage, repair, fuel and/or sales; Marijuana Facilities.

Section 18.75.040 the Main Street Employment Zone of the Cornelius City Code is hereby amended as follows:

18.75.040 PROHIBITED USES.

Only uses specifically listed in CCC 18.75.020 and 18.75.030, and uses similar to these, are permitted in this district. The following uses are expressly prohibited: Industrial uses; automobile, truck, recreational vehicle storage and/or sales; Marijuana Facilities.

Section 18.80.040 the Main Street Civic Zone of the Cornelius City Code is hereby amended as follows:

18.80.040 PROHIBITED USES.

Only uses specifically listed in CCC 18.80.020 and 18.80.030, and uses similar to these, are permitted in this district. The following uses are expressly prohibited: Industrial uses; automobile, truck, recreational vehicle storage, repair, fuel, and/or sales; Marijuana Facilities.