



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

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www.oregon.gov/LCD



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

Date: February 05, 2016

Jurisdiction: City of Carlton

Local file no.: LA 2016-01

DLCD file no.: 004-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 02/04/2016. 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 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.: 004-15 {24152}
Received: 2/4/2016

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 Carlton

Local file no.: ~~LA 2015-01~~ LA 2016-01

Date of adoption: 1/19/2016 Date sent: 2/4/2016

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): 12/1/2015

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:

Local contact (name and title): Jennifer Nelson, City Recorder

Phone: 503-852-7575

E-mail: jnelson@ci.carlton.or.us

Street address: 191 E. Main Street

City: Carlton

Zip: 97111-

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:

Titles 5 & 17 of the Carlton Municipal Code; Chapters 5.50; 17.12; 17.32.030; 17.36.030; 17.40.030; & 17.152.035.

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: DLCD, Yamhill County, City of Carlton

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.

Approved Ordinance No. 2015-714 Amending Titles 5 & 17 of the Carlton Municipal code to adopt standards for Commercial Marijuana Retail Activities; 1/5/2016 Approved City Council & Planning Commission Minutes; 1/19/2016 Approved Council Minutes; 1/19/2016 DRAFT Planning Minutes. Affidavit of public hearing notices for combined Planning/City Council public hearings; 1/5/2016 & 1/19/2016 City Council and Planning Commission agenda packets including staff reports and proposed ordinances.



ORDINANCE NO. 2016-714

AN ORDINANCE AMENDING TITLES 5 AND 17 OF THE CARLTON MUNICIPAL CODE TO ADOPT STANDARDS FOR COMMERCIAL MARIJUANA RETAIL ACTIVITIES

WHEREAS, Chapter 5 of the Municipal Code includes regulation for the operation of businesses within the City of Carlton; and

WHEREAS, the City Council is authorized by 2015 Oregon Senate Bill 3400 to adopt reasonable time place and manner regulations on the establishment and operation of commercial marijuana retail facilities in accordance with state law.

THE CITY OF CARLTON ORDAINS AS FOLLOWS:

SECTION 1. Title 5 of the Carlton Municipal Code is amended to add a new Chapter 5.50 entitled “Medical Marijuana Dispensaries: to read as follows:

“Chapter 5.50 COMMERCIAL MARIJUANA RETAIL FACILITIES

Sections:

[5.50.010](#) Purpose.

[5.50.020](#) Definitions.

[5.50.030](#) Regulations for commercial retail marijuana facilities.

5.50.010 Purpose.

It is recognized that the presence of commercial retail marijuana facilities within the City of Carlton may result in adverse social and economic impacts, increased crime incidents, and physical deterioration in the general areas of such businesses. It is evident that regulations applicable to such facilities are necessary to protect minors and to preserve the character, safety and stability of residential areas that are in proximity to such commercial businesses. The purpose of this section is to establish regulations applicable to commercial retail marijuana facilities, as defined in the Oregon Revised Statutes and in Section [5.40.020](#).

5.40.020 Definitions.

For purposes of this chapter, the following terms and business types are defined in this section:

- A. “Commercial retail marijuana” means all parts of the plant cannabis family cannabaceae, genus cannabis whether growing or not, and the seed of such plants.

- B. "Retail cultivation" means a location where commercial retail marijuana is produced or cultivated including within a building, structure or premises used for the cultivation or storage of commercial retail marijuana that is physically separate and off site from a commercial retail marijuana facility.
- C. "Commercial retail marijuana facility" means a commercial retail marijuana facility licensed [under Section 22, Chapter 1, Oregon Laws, 2015](#), that sells, distributes, transmits, gives, dispenses or otherwise provides medical marijuana to qualifying patients.
- D. "Infusion" means a facility or business that incorporates marijuana (cannabis) by means of cooking, blending, or incorporation into consumable/edible goods.

5.50.030 Regulations for commercial retail marijuana facility.

- A. Commercial retail marijuana facility businesses may be granted a conditional use permit by the planning commission in accordance with the requirements of the zoning district in which the business is proposed, and in accordance with the following regulations:
 - 1. Evidence that the business is currently licensed under [Section 22, Chapter 1, Oregon Laws, 2015](#).
 - 2. The proposed use complies with all requirements set forth for the issuance of a conditional use permit in accordance with Chapter [17.152.035](#));
 - 3. The lot on which the business is proposed shall only be located on property zoned and classified as Commercial Business, Commercial Industrial, or General Industrial;
 - 4. The business shall be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle;
 - 5. The lot is not within one thousand feet of any lot upon which there is located an educational institution primarily attended by minors, including any kindergarten, elementary or secondary schools;
 - 6. If the use is a medical marijuana dispensary the lot is not within one thousand feet of any lot upon which there is located another marijuana dispensary business;
 - 7. The lot is not within one thousand feet of the exterior boundaries of a city park.
 - 8. The exterior appearance of the structure shall be consistent with the appearance of existing commercial structures on abutting lots or within the immediate neighborhood, so as not to cause blight, deterioration, or avoidable depreciation in property values within the general vicinity;

9. No commercial retail marijuana facility business, as defined in this chapter, shall have operating hours earlier than eight a.m. or later than eight p.m. of the same day;
 10. Cultivation, retail cultivation or infusion of marijuana at the site of the dispensary or commercial retail facility is prohibited;
 11. The business shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the facility's exterior refuse containers;
 12. Drive-through services are prohibited.
- B. Applicants for a business licenses for a commercial retail marijuana facility must file with the city recorder an application form and the applicable fee for a business license in accordance with CMC Chapter 5.04 which shall also provide the following supplemental information:
1. A copy of the application made to the State of Oregon for licensing of the proposed commercial retail marijuana facility.
 2. The location of the proposed commercial retail marijuana facility business.
- C. Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine as defined by Title 1, Chapter 1.36, and any resolution adopted in connection therewith.

5.50.040 – Violations – Penalties.

- A. A person violating any of the provisions of this chapter shall be subject to the penalty set forth in CMC Chapter 1.12.010.
- B. Each day's violation of any provision of this Chapter 5.04 shall constitute a separate offense, punishable as set forth in this Chapter 5.50."

SECTION 2. Development Code Definitions. Title 17 of the Carlton Municipal Code is amended to add to Chapter 17.12. entitled "Definitions" the following definitions to read as follows:

- A. "Commercial retail marijuana" means all parts of the plant cannabis family cannabaceae, genus cannabis whether growing or not, and the seed of such plants.
- B. "Retail cultivation" means a location where commercial retail marijuana is produced or cultivated including within a building, structure or premises used for the cultivation or

storage of commercial retail marijuana that is physically separate and off site from a commercial retail marijuana facility.

- C. “Commercial retail marijuana facility” means a commercial retail marijuana facility licensed [under Section 22, Chapter 1, Oregon Laws, 2015](#), that sells, distributes, transmits, gives, dispenses or otherwise provides medical marijuana to qualifying patients.
- D. “Infusion” means a facility or business that incorporates marijuana (cannabis) by means of cooking, blending, or incorporation into consumable/edible goods.

SECTION 3. Conditional Use in CB District. Title 17 Section 17.32.030 of the Carlton Municipal Code is amended to add a new conditional use to read as follows:

“R. Commercial Retail Marijuana Facility subject to the conditional use criteria listed in Section 17.152.035.”

SECTION 4. Conditional Use in CI District. Title 17 Section 17.36.030 of the Carlton Municipal Code is amended to add a new conditional use to read as follows:

“Commercial Retail Marijuana Facility subject to the conditional use criteria listed in Section 17.152.035.”

SECTION 5. Conditional Use in GI District. Title 17 Section 17.40.030 of the Carlton Municipal Code is amended to add a new conditional use to read as follows:

“H. Commercial Retail Marijuana Facility subject to the conditional use criteria listed in Section 17.152.035.”

SECTION 6. Conditional Use Permit Criteria. Title 17 of the Carlton Municipal Code is amended to add a new Chapter 17.152.035 entitled “Criteria for Approval of Medical Marijuana Dispensary or Commercial Retail Marijuana Facility” to read as follows:

“17.152.035 Criteria for Approval of Medical Marijuana Dispensary or Commercial Retail Marijuana Facility

1. The lot on which the business is proposed shall only be located on property zoned and classified as Commercial Business, Commercial Industrial, or General Industrial;
2. The business shall be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle;
3. The lot is not within one thousand feet of any lot upon which there is located an educational institution primarily attended by minors, including kindergarten, elementary and secondary schools;

4. If the use is a medical marijuana dispensary the lot is not within one thousand feet of any lot upon which there is located another marijuana dispensary business;
5. The lot is not within one thousand feet of the exterior boundaries of a city park.
6. The exterior appearance of the structure shall be consistent with the appearance of existing commercial structures on abutting lots or within the immediate neighborhood, so as not to cause blight, deterioration, or avoidable depreciation in property values within the general vicinity;
7. No marijuana dispensary business or commercial retail marijuana facility shall have operating hours earlier than eight a.m. or later than eight p.m. of the same day;
8. Cultivation, retail cultivation or infusion of marijuana at the site of the dispensary or commercial retail facility is prohibited;
9. The business shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the facility's exterior refuse containers;
10. Drive-through services are prohibited.

SECTION 7. Codification. The City Recorder is hereby directed to codify this ordinance as a part of the Carlton Municipal Code.

SECTION 8. Emergency. This ordinance being necessary for the immediate preservation of the public peace, health and safety of the City of Carlton, an emergency is declared to exist and this Ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

ADOPTED by the City Council on this 19th day of January, 2016, by the following votes:

AYES: 5

NAYES: 0

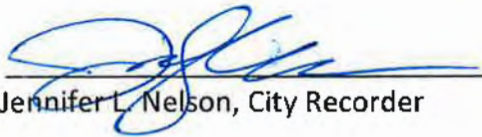
ABSENT: 2
[Carl, Ward-Mullen]

ABSTAIN: 0

APPROVED and signed by the Mayor this 19th day of January, 2016.


Kathie Oriet, Mayor

ATTEST:


Jennifer L. Nelson, City Recorder



City Council Regular Session Minutes
JANUARY 5, 2016, 7:00 PM
Carlton City Hall, Council Chambers (191 E. Main Street)

1. CALL MEETING TO ORDER & ROLL CALL

Mayor Kathie Oriet called the meeting to order at 7:02 PM.

Members Present: Kathie Oriet, Mayor Brian Rake, Council President Scott Carl
 Scott Chitwood Gwen Jernstedt Shirley Ward- Mullen

Members Absent: Carey Rhoads (excused)

Staff Present: Chad Olsen, City Manager Walt Gowell, City Attorney
 Kevin Martinez, Chief of Police Jennifer Nelson, City Recorder

Planning Commission

Members Present: Bob Graham, Chair Kevin Herwick, Vice-Chair Dust Bailey
 Jeff Lorton Steve Lowry Rob Varuska
 Karl Schroeder

Staff Present:

Others Present: Henry Gorgas, Kathy Rich, Jennifer Allinson, Laurie Busse, Amy Wilder, Lynette Shaw, Collin Styring, Steve Styring and C.G.

The Pledge of Allegiance was performed.

2. PUBLIC HEARING: PLANNING COMMISSION AND CITY COUNCIL – AN ORDINANCE AMENDING TITLES 5 AND 17 OF THE CARLTON MUNICIPAL CODE TO ADOPT STANDARDS FOR COMMERCIAL MARIJUANA RETAIL ACTIVITIES

- 1) Ordinance No. 2016-714: An ordinance amending titles 5 and 17 of the Carlton Municipal Code to adopt standards for commercial marijuana retail activities (Legislative Hearing)**

Oriet opened the public hearing 7:03 PM. Planning Commission Chair Bob Graham called the Planning Commission meeting to order and opened the public hearing for the Commission at 7:03 PM.

Gowell presented the staff report for the proposed Ordinance No. 2016-714 including legislative amendments regarding the retail sales of recreational marijuana (see official meeting packet for full report). He offered a background regarding medical and recreational marijuana sales after Measure 91 and House Bill 3400 passed. Cities are scrambling to establish methods to accommodate and regulate the newly authorized and registered marijuana related businesses in regards to operations, times and locations within their jurisdiction. He spoke of recent standards adopted by the City of Carlton related to medical marijuana sale outlets and where they can be located, with buffers around schools and parks. Neither ordinances regulate the growth, processing, wholesaling or packaging of marijuana for commercial purposes and may wish to address his at another time. The proposed ordinance related to commercial retail sales is very similar to the standards established for medical marijuana within city limits. Gowell reviewed the proposed ordinance and read Chapter 5.50.030 regulations for commercial retail marijuana facilities (see official meeting packet for full proposed ordinance).

Gowell asked if there were any questions from Council or the Planning Commission prior to opening the public testimony. Commissioner Rob Varuska asked if this followed the conditional use process. Gowell replied it would not be reviewed unless there is a complaint that there has been a violation of the conditions of approval. Oriet opened the floor to public testimony.

Jennifer Allinson asked if the Planning Commission could provide an example of an area where such a business would be allowable within a commercial area that is not near a park. Oriet replied there is an industrial area in the northwest part of town that would be far enough away from a school or park.

Laurie Busse asked about the correlation between permitted alcohol use vs. marijuana, if this is not applicable to alcohol, which is served in the park. She said marijuana is as viable a retail as wine and asked why it is not viewed in the same aspect with requiring it to be 1,000 ft away. Gowell recognized she was inquiring about the disparity in treatment of alcohol and marijuana as a policy issue. The required distance from schools is statutory, but parks are under the City's jurisdiction. Busse commented both substances are regulated under the same branch and requirements by the Oregon Liquor Control Commission (OLCC). Olsen noted this evening is for citizens to provide testimony, but there is no obligation to answer questions we are unprepared to address and it is understood there is a point being made regarding policy. Busse asked that her point be considered in modifying the standards. Olsen pointed out the hearing would not be closed tonight and will be continued to January 19th. The record will remain open and questions may be raised tonight as well as at the next meeting and the Planning Commission and City Council will want to have that conversation now that both products are legal.

Commissioner Karl Schroeder asked if alcohol is not allowed in the park unless it is a conditional use which Council approves. Olsen confirmed the Council can approve alcohol sales in the park with the provision of a concession agreement and activities on private property must apply for a special event permit through the OLCC with City approval.

Commissioner Kevin Herwick asked if the park buffer is typical of most cities. Gowell replied it is not out of character and seems to be occurring in various cities especially around areas where children tend to frequent.

Schroeder asked if consumption of marijuana is allowed on premises similar to a wine tasting room. Gowell reiterated marijuana cannot currently be consumed in public.

Henry Gorgas said Carlton is unique in the fact that it has a park downtown and asked how a dispensary can sell product in the commercial area downtown if it needs to be 1,000 feet from a park; he said it's impossible. He said dispensaries for marijuana are bringing in \$30-50,000 in revenue monthly and he does not know anyone who has died from marijuana use unlike a lot of alcohol deaths and drunk driving around here. Plus, it cannot be smoked outside or where purchased, so it needs to be taken home to consume. There is a lot of money to be made and people should not be drinking outside either, but they do. He does not see the same issue with marijuana for most people like alcohol is. This could bring a lot of money to town and might help things.

Varuska asked if the City derives revenue from sales. Gowell said for a period of time the City will share in a portion of the State taxes generated, which is 25% on consumption, for a period of two years. Then revenue will go only to cities where dispensaries are located to assist with police coverage associated with the operation of the business. Cities can adopt an ordinance up to 3% of the sales tax on sales within its limits and

must refer it to the voters before it can take effect. Busse asked about references for what additional costs and police enforcement is needed if you can only consume the product at home. Gowell replied he is just repeating the basis for which tax allocations were justified. Olsen added it is the rationale for distribution which is also used for how tax revenue comes back to the community for alcohol as well.

Amy Wilder stated she was neutral on the issue and just came to hear what issues were raised. She also agreed with the idea that the use of marijuana being different since it cannot be done on public property or on premises and it is not impacting people on the streets unless they go home, consume and return. She said support varies but it seems the impact on police in the jurisdiction comes from a security point of view with vast amounts of cash and product being handled by the facility onsite.

Gowell added nothing in the proposed ordinance requires anything other than what is required by State law which has some requirements for cameras and video records, locking up the marijuana in a secured location which will be enforced by OLCC. Local police can have role but it is not clear what that role will be or what the expectation will be.

Council and the Planning Commission agreed to continue the testimony and public hearing to January 19, 2016 at 7:00 PM because notice was not posted by the newspaper for the required 10 days with the record remaining open. The Planning Commission adjourned at 7:42 PM.

3. Recess to the Carlton Planning Commission Meeting 7:42 PM

4. Reconvene City Council Meeting 7:47 PM

5. CITIZEN COMMENTS – None appeared.

6. ANNOUNCEMENTS/REPORTS/PRESENTATIONS 7:48 PM

1) Tourism Committee Appointment – Kathy Rich

Oriet asked Council to accept her appointment of Kathy Rich to the Visit Carlton Tourism Committee to fill one of three current vacancies. She will also need a volunteer for an additional Council member to serve on the Tourism Committee as well. The Committee meets on the first Wednesday of each month at 3:00 PM at City Hall. Both Jernstedt and Ward-Mullen said they would consider joining and Oriet suggested they both attend the next meeting on February 3, 2016 to see if it is something they would like to do.

MOTION: Rake/Jernstedt to approve the appointment of Kathy Rich to the Visit Carlton Tourism Committee. Motion carried (6 Yes/0 No/1 Absent[Rhoads]/0 Abstain).

7. CONSENT AGENDA 7:51 PM

1) Meeting Minutes

- **City Council Work Session Minutes – December 1, 2015**
- **City Council Regular Session Minutes – December 1, 2015**

2) Department Monthly Reports

3) Accounts Payable Report

MOTION: Rake/Chitwood to approve the consent agenda as submitted. Motion carried (6 Yes/0 No/1 Absent[Rhoads]/0 Abstain).

8. ORDINANCE PRESENTATION, DISCUSSION & POTENTIAL ACTION ITEMS

1) Resolution No. 2015-217 – Appointing City Manager as Budget Officer for Fiscal Year 2017 and Adopt the 2016 Budget Calendar **7:51 PM**

Olsen presented the staff report (see official meeting packet for full report).

MOTION: Ward-Mullen/Rake to approve and authorize the Mayor to sign Resolution No. 2016-217. Motion carried (6 Yes/0 No/1 Absent[Rhoads]/0 Abstain).

2) Personal Services Agreement with Marcia Mikesh Architect, Inc. – Feasibility Study for City Hall

Olsen presented the staff report including background and recommendation (see official meeting packet for full report). Oriet mentioned a confidential conversation cannot be had without entire building hearing it.

Ward-Mullen expressed concern about the \$5,000 being spent now to not go to waste if the new city hall is to be built in 5-10 years. Olsen replied that conversation has taken place and they are looking at options to temporarily hold them over until enough money can be set aside. The options could be anything from a remodel, to bringing in a modular unit, to moving into city owned rental space until then. Chitwood felt if the new building is that far off then this is money well spent to get by until then.

MOTION: Chitwood/Carl to approve and authorize the Mayor to sign a personal services agreement with Marcia Mikesh Architect, Inc. not to exceed \$5,000.00. Motion carried (6 Yes/0 No/1 Absent[Rhoads]/0 Abstain).

3) Steve Styring Development Agreement

8:08 PM

Olsen presented the staff report and distributed changes to the agreement since it was placed in packet (see official meeting packet for full report). He reviewed the changes with Council. Gowell commented that everything else is as previously approved. Chitwood said he liked the compromise on both sides since the building has been there forever and rest of the improvements is a bonus.

MOTION: Rake/Jernstedt to approve and authorize the mayor to sign the amended Development Agreement with Steve Styring as presented. Motion carried (6 Yes/0 No/1 Absent[Rhoads]/0 Abstain).

Discussions followed about a possible vacation of a portion of the alleyway at a later date.

9. ADJOURNMENT

The meeting adjourned at 8:34 PM.

APPROVED by the City of Carlton City Council on this 5th day of January, 2016.

ATTEST:



Jennifer L. Nelson, City Recorder



Kathie Oriet, Mayor



1. CALL MEETING TO ORDER & ROLL CALL

Chair Bob Graham called the meeting to order at 7:03 PM.

Members Present: Bob Graham, Chair Kevin Herwick, Vice-Chair Dust Bailey
Rob Varuska Karl Schroeder

Members Absent: Jeff Lorton (excused) Steve Lowry

Staff Present: Chad Olsen, City Manager Walt Gowell, City Attorney
Kevin Martinez, Chief of Police Jennifer Nelson, City Recorder

City Council

Members Present: Kathie Oriet, Mayor Brian Rake, Council President Scott Carl
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- 1) Ordinance No. 2016-714 (LA 2016-01)
Legislative Hearing

Chair Bob Graham opened the public hearing for the Planning Commission after Mayor Kathie Oriet opened the public hearing for City Council at 7:03 PM.

Gowell presented the staff report for the proposed Ordinance No. 2016-714 including legislative amendments regarding the retail sales of recreational marijuana (see official meeting packet for full report). He offered a background regarding medical and recreational marijuana sales after Measure 91 and House Bill 3400 passed. Cities are scrambling to establish methods to accommodate and regulate the newly authorized and registered marijuana related businesses in regards to operations, times and locations within their jurisdiction. He spoke of recent standards adopted by the City of Carlton related to medical marijuana sale outlets and where they can be located, with buffers around schools and parks. Neither ordinances regulate the growth, processing, wholesaling or packaging of marijuana for commercial purposes and may wish to address his at another time. The proposed ordinance related to commercial retail sales is very similar to the standards established for medical marijuana within city limits. Gowell reviewed the proposed ordinance and read Chapter 5.50.030 regulations for commercial retail marijuana facilities (see official meeting packet for full proposed ordinance). Gowell asked if there were any questions from Council or the Planning Commission prior to opening the public testimony. Commissioner Rob Varuska asked if this followed the conditional use process. Gowell replied it

would not be reviewed unless there is a complaint that there has been a violation of the conditions of approval. Oriet opened the floor to public testimony.

Jennifer Allinson asked if the Planning Commission could provide an example of an area where such a business would be allowable within a commercial area that is not near a park. Oriet replied there is an industrial area in the northwest part of town that would be far enough away from a school or park.

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Varuska asked if the City derives revenue from sales. Gowell said for a period of time the City will share in a portion of the State taxes generated, which is 25% on consumption, for a period of two years. Then revenue will go only to cities where dispensaries are located to assist with police coverage associated with the operation of the business. Cities can adopt an ordinance up to 3% of the sales tax on sales within its limits and must refer it to the voters before it can take effect. Busse asked about references for what additional costs and police enforcement is needed if you can only consume the product at home. Gowell replied he is just repeating the basis for which tax allocations were justified. Olsen added it is the rationale for distribution which is also used

for how tax revenue comes back to the community for alcohol as well.

Amy Wilder stated she was neutral on the issue and just came to hear what issues were raised. She also agreed with the idea that the use of marijuana being different since it cannot be done on public property or on premises and it is not impacting people on the streets unless they go home, consume and return. She said support varies but it seems the impact on police in the jurisdiction comes from a security point of view with vast amounts of cash and product being handled by the facility onsite.

Gowell added nothing in the proposed ordinance requires anything other than what is required by State law which has some requirements for cameras and video records, locking up the marijuana in a secured location which will be enforced by OLCC. Local police can have role but it is not clear what that role will be or what the expectation will be.

Council and the Planning Commission agreed to continue the testimony and public hearing to January 19, 2016 at 7:00 PM because notice was not posted by the newspaper for the required 10 days with the record remaining open.

3. ADJOURNMENT

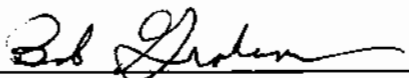
The meeting adjourned at 7:42 PM.

APPROVED by the City of Carlton Planning Commission on this 19th day of January, 2016.

ATTEST:



Jennifer Nelson, City Recorder



Bob Graham, Chair



**City Council Regular Session Minutes
JANUARY 19, 2016, 7:00 PM
Carlton City Hall, Council Chambers (191 E. Main Street)**

1. CALL MEETING TO ORDER & ROLL CALL

Mayor Kathie Oriet called the meeting to order at 7:08 PM. No changes were made to the agenda.

Members Present: Kathie Oriet, Mayor Brian Rake, Council President Scott Chitwood
Gwen Jernstedt Carey Rhoads

Members Absent: Scott Carl (excused) Shirley Ward- Mullen (excused)

Staff Present: Chad Olsen, City Manager Walt Gowell, City Attorney
Kevin Martinez, Chief of Police Christy Martinez, Finance Director
Charmaine Berhorst, Accounting Specialist Jennifer Nelson, City Recorder

Planning Commission

Members Present: Bob Graham, Chair Kevin Herwick, Vice-Chair Dust Bailey
Jeff Lorton Steve Lowry Rob Varuska
Karl Schroeder

Others Present: Jennifer Allinson, Laurie Busse, Leanne Roberts, Karter Roberts, Paige Hamack, Keith Hamack, Carl Greenlund, Olivia Cheser and Jim Donnell

The Pledge of Allegiance was performed.

2. PUBLIC HEARING (continued): PLANNING COMMISSION AND CITY COUNCIL – AN ORDINANCE AMENDING TITLES 5 AND 17 OF THE CARLTON MUNICIPAL CODE TO ADOPT STANDARDS FOR COMMERCIAL MARIJUANA RETAIL ACTIVITIES (Legislative Hearing) 7:10 PM

City Attorney Walt Gowell explained the reason for the unusual combined public hearing and meeting format and 35 day notification requirements to the Department of Land Conservation and Development (DLCD). This hearing is a continuation from the combined public hearing held on January 5, 2016 which had to adjourn to this evening to accept additional comments before deliberations could be held due to an error with the notice publication by the newspaper. Once the testimony has concluded and the public hearing closes, then the Planning Commission will continue their meeting to deliberate and make recommendations to the City Council. At the close of their meeting, the City Council will take their recommendation, deliberate and make a decision regarding the proposed ordinance.

Oriet opened the public hearing 7:12 PM. She summarized the public hearing order and procedure requesting citizens present to limit their testimony to a concise three minutes until all have had a chance to speak. Oriet called for any conflicts of interest or abstentions; none appeared. Gowell summarized the staff report as presented on January 5th presenting the proposed Ordinance No. 2015-714 focusing on the regulations and conditional uses for commercial retail marijuana facilities within the Carlton city limits.

Oriet opened the floor to public testimony.

Jennifer Allinson said she researched the proposed restrictions to be considered and could not find any commercial property available on the city map that would meet the 1,000 feet restriction from a park or school so the proposed restrictions eliminates any commercial space to be used for such a place. She felt this was unbalanced when up and down Main Street with the exclusion on one establishment all sell alcohol and the park is flanked by alcohol which can be consumed on premise and people can leave under the influence. With marijuana, that would never happen.

Laurie Busse said the proposed site of the new skate park is also a conflict with another park creating further extension away from downtown businesses; future parks in development impact zoning.

Mayor Oriet and Planning Commission Chair Bob Graham closed the public testimony and hearing at 7:20 PM.

3. Recess to the Carlton Planning Commission Meeting & Deliberations 7:21 PM

4. Reconvene City Council Meeting & Council Deliberations 7:50 PM

- 1) Ordinance No. 2016-714: Amending Titles 5 and 17 of the Carlton Municipal Code to Adopt Standards for Commercial Marijuana Retail Activities (Emergency Reading)

The Planning Commission deliberated and recommended City Council to approve the ordinance as presented by staff. Oriet opened the deliberations for City Council. Staff noted the ordinance was originally presented as an emergency reading for approval so they can approve the ordinance this evening even though the agenda indicated this as a first reading. Staff also clarified previous questions or comments regarding consumption on site for either medical or recreational marijuana stating this cannot be done; state regulations require the purchase to be taken to a non-public location for consumption which does not include a park, sidewalk or in a car if you are in plain view of the public. A house or backyard is not public unless it can be argued that consumption is in plain view. No discussion occurred.

MOTION: Jernstedt/Rake to read Ordinance No. 2016-714 by title only. Motion carried (5 Yes/0 No/2 Absent [Carl,Ward-Mullen]/0 Abstain).

Gowell read Ordinance No. 2016-714 by title only.

MOTION: Jernstedt/Rhoads to approve Ordinance No. 2016-714 amending titles 5 and 17 of the Carlton Municipal Code to adopt standards for commercial marijuana retail activities as read by title only. Motion carried by roll call vote (5 Yes/0 No/2 Absent [Carl,Ward-Mullen]/0 Abstain).

Gowell stated an additional reading is required if Council would like to adopt the ordinance this evening.

MOTION: Rake/Rhoads to read Ordinance No. 2016-714 by title only. Motion carried (5 Yes/0 No/2 Absent [Carl,Ward-Mullen]/0 Abstain).

Gowell read Ordinance No. 2016-714 by title only for the second time.

MOTION: Rake/Rhoads to approve Ordinance No. 2016-714 amending titles 5 and 17 of the Carlton Municipal Code to adopt standards for commercial marijuana retail activities by title only in the second reading. Motion carried by roll call vote (5 Yes/0 No/2 Absent [Carl,Ward-Mullen]/0 Abstain).

5. CITIZEN COMMENTS

Lauri Busse commented she was one of the 13 residents that did not have water today due to construction on Park Street but she was not notified. Oriet mentioned there was an unanticipated water issue at the end of the day that was not notified. Busse said she had no water from 7:00 am to 7:00 PM. She also commented about construction trucks going the wrong way on Park Street and added a car was sideswiped the other day. With the construction she is limited as to how and when she can leave her house and asked for more communication. Olsen apologized about the door hangers not being received and said he would follow-up with staff about the vehicles blocking her from leaving.

Leann Roberts spoke with her husband Karter Roberts about a duplex they own on East Harrison with a total of three residents on one meter, billed for two services. They are being charged two base charges at \$91 each for a 1,700 square foot residence when larger houses pay half of that. Olsen asked for their name and contact information to have a follow-up discussion with them later.

6. ANNOUNCEMENTS/REPORTS/PRESENTATIONS – None.

7. CONSENT AGENDA

8:05 PM

1) Meeting Minutes

- City Council Work Session Minutes – January 5, 2016
- City Council Regular Session Minutes – January 5, 2016

2) Urban Renewal Agency Report VY15

MOTION: Rake/Rhoads to approve the consent agenda as submitted. Motion carried (5 Yes/0 No/2 Absent [Carl,Ward-Mullen]/0 Abstain).

8. ORDINANCE PRESENTATION, DISCUSSION & POTENTIAL ACTION ITEMS

1) Resolution No. 2015-218 – Amendment to Temporary Reduction of System Development Charges

8:05 PM

Olsen presented the staff report (see official meeting packet for full report). He noted there was a small error in the charge rates that did not reflect the Consumer Price Index (CPI) adjustment from July 2014.

MOTION: Rake/Jernstedt to read Resolution No. 2016-218 by title only. Motion carried (5 Yes/0 No/2 Absent [Carl,Ward-Mullen]/0 Abstain).

MOTION: Rake/Chitwood to approve and authorize the Mayor to sign Resolution No. 2016-218 amending and temporarily modifying certain existing SDC charges for development within the City of Carlton. Motion carried (5 Yes/0 No/2 Absent [Carl,Ward-Mullen]/0 Abstain).

the EDUs are eliminated for one line then other places would have to subsidize those costs. City Attorney Walt Gowell mentioned there is an appeal process if a utility rate disproportionately burdens an individual or business and the rate can be reviewed and adjusted on a case by case basis. Ms. Hamack noted these are affordable apartments with rent at \$400 per month and \$150 for water. Olsen offered to run the numbers with her and meet for a follow-up discussion on the EDU issue with the option of her being able to appeal to council.

Council directed staff to come up with scenarios and bring them back if needed. Staff will return with standards to be adopted and council can have a policy discussion. Once the implementation process has begun they can work with Ms. Hamack on how to pursue the next step.

2) Park System Development Charge Methodology Report – Deb Galardi

6:34 PM

Galardi presented the staff report with a PowerPoint slideshow (see official meeting packet for full report). She noted there is a 90 day notification requirement for this type of action.

Rake brought up concerns for additional burdens on already high system development charges (SDCs) for commercial builders especially when the charges are based on the larger meters. Olsen agreed but argued commercial developers still need to buy into their burden on the system. If there are not park SDCs to cover the large share of park improvements needed then Hawn Creek will still remain undeveloped and nothing can be purchased in the southeast park of town for city parks. He suggested implementing the methodology and address specific projects individually as they come forward. Galardi added they could start by phasing in certain parks and improvements as a first step following the methodology first then hold a public hearing on residential or non-residential or both with citizen input to present their own arguments.

Council expressed their desire to hold a public hearing on both. Rake said he has reservations. Olsen replied concerns can be brought forth during deliberations.

3. FUTURE WORK SESSION AGENDA ITEMS – No items were discussed.

4. ADJOURNMENT


The meeting adjourned at 6:58 PM.

APPROVED by the City of Carlton City Council on this 2nd day of February, 2016.

ATTEST:



Jennifer L. Nelson, City Recorder



Kathie Oriet, Mayor



1. CALL MEETING TO ORDER & ROLL CALL

Chair Bob Graham called the meeting to order at 7:09 PM.

Members Present:	Bob Graham, Chair	Kevin Herwick, Vice-Chair	Dust Bailey
	Jeff Lorton	Steve Lowry	Rob Varuska
	Karl Schroeder		

Staff Present:	Chad Olsen, City Manager	Walt Gowell, City Attorney
	Kevin Martinez, Chief of Police	Christy Martinez, Finance Director
	Charmaine Berhorst, Accounting Specialist	Carole Connell, City Planner
	Jennifer Nelson, City Recorder	

City Council

Members Present:	Kathie Oriet, Mayor	Brian Rake, Council President	Scott Chitwood
	Gwen Jernstedt	Carey Rhoads	

Others Present: Jennifer Allinson, Laurie Busse, Leanne Robers, Karter Roberts, Paige Hamack, Keith Hamack, Carl Greenland, Olivia Cheser and Jim Donnell

2. PUBLIC HEARING: PLANNING COMMISSION AND CITY COUNCIL – AN ORDINANCE AMENDING TITLES 5 AND 17 OF THE CARLTON MUNICIPAL CODE TO ADOPT STANDARDS FOR COMMERCIAL MARIJUANA RETAIL ACTIVITIES 7:10 PM

- 1) Ordinance No. 2016-714 (LA 2016-01)
Legislative Hearing

City Attorney Walt Gowell explained the reason for the unusual combined public hearing and meeting format and 35 day notification requirements to the Department of Land Conservation and Development (DLCD). This hearing is a continuation from the combined public hearing held on January 5, 2016 which had to adjourn to this evening to accept additional comments before deliberations could be held due to an error with the notice publication by the newspaper. Once the testimony has concluded and the public hearing closes, then the Planning Commission will continue their meeting to deliberate and make recommendations to the City Council. At the close of their meeting, the City Council will take their recommendation, deliberate and make a decision regarding the proposed ordinance.

Oriet opened the public hearing 7:12 PM. She summarized the public hearing order and procedure requesting citizens present to limit their testimony to a concise three minutes until all have had a chance to speak. Oriet called for any conflicts of interest or abstentions; none appeared. Gowell summarized the staff report as presented on January 5th presenting the proposed Ordinance No. 2015-714 focusing on the regulations and conditional uses for commercial retail marijuana facilities within the Carlton city limits.

Oriet opened the floor to public testimony.

Jennifer Allinson said she researched the proposed restrictions to be considered and could not find any

commercial property available on the city map that would meet the 1,000 foot restriction from a park or school so the proposed restrictions eliminates any commercial space to be used for such a place. She felt this was unbalanced when up and down Main Street with the exclusion on one establishment all sell alcohol and the park is flanked by alcohol which can be consumed on premise and people can leave under the influence. With marijuana, that would never happen.

Laurie Busse said the proposed site of the new skate park is also a conflict with another park creating further extension away from downtown businesses; future parks in development impact zoning.

Mayor Oriet and Planning Commission Chair Bob Graham closed the public testimony and hearing at 7:20 PM. City Council recessed their meeting and the Planning Commission continued their deliberations at 7:21 PM.

Graham said the commission needed to deliberate on the 1,000 foot restriction for recreational marijuana retail sales from city parks. Gowell discussed the zoning map of the city as shown at the last meeting and as hung in the Council chambers. Graham mentioned the City of McMinnville also has a 1,000 foot restriction from any public facilities, such as the library, community center, etc. Herwick expressed concerned about establishing a boundary that no one can develop in for this type of business. Bailey commented while looking at the zoning map that there are some areas by the fire station classified as general industrial and business industrial to put a facility in, just not in the downtown district. Lorton asked about 1,000 foot restriction. Gowell replied it is what is included in the medical marijuana dispensary code. Varuska spoke of the double standards of being able to sell alcohol within 1,000 feet of a park.

Lorton discussed concerns regarding the sale of marijuana being a state law that is prohibited still by the federal government and although the federal government is not enforcing its prohibition he wondered if a planning commissioner could be in jeopardy of some legal liability. Gowell referred to the Bellman Memorandum stating the federal government does not intend to seek enforcement of state enforced medical marijuana sales and Congress decided in December of 2014 and 2015 to prohibit the use of funds to prosecute or enforce state localized sales. Gowell said he would not say that a planning commissioner is not in danger of anything, but in this structure, the sales facility is only permitted as a conditional use; therefore, they must complete an application which the Planning Commission will approve or deny. Lorton wondered if hypothetically the commission would be aiding and abetting in a federal felony by approve a permit through the process or if there could be some civil law suit due to accident or injury. Gowell stated when acting in the scope of your role and responsibility as a commissioner you are not in violation and would be indemnified by the City against liability or exposure against them personally.

Herwick said when the Planning Commission forwarded the medical marijuana facility standards to Council the code only had a 500 foot restriction on parks; the 1,000 foot restriction was not suggested.

MOTION: Herwick/ to approve Ordinance No. 2016-714 amending titles 5 and 17 of the Carlton Municipal Code to adopt standards for commercial marijuana retail activities as presented with a recommendation to Council to reconsider the 1,000 foot restriction. Motion failed for lack of a second.

MOTION: Varuska/Lorton to approve Ordinance No. 2016-714 amending titles 5 and 17 of the Carlton Municipal Code to adopt standards for commercial marijuana retail activities recommend Council to strike A.7 under 5.50.030 Regulations for commercial marijuana facilities that states "The lot is not within one thousand feet of the exterior boundaries of a city park".

Gowell noted there must at least be reasonable state restriction of 500 feet.

Lorton asked if there was any other testimony received. City Recorder Jennifer Nelson replied that no other written testimony was received. Varuska commented about the legality of other businesses selling controlled substances. Schroeder commented about trying to differentiate after it has been passed by the state with other legal drugs. Bailey said they are two different things, alcohol has been legal for a long time and the attitudes and laws are different for marijuana based on the fact it is brand new for it to be legal and there are those who want to make it the same as alcohol. He felt having it away from parks is not unreasonable and a good idea and he is sorry that Carlton is such a small community.

Lorton shared the bewilderment with the laws moving fast and there being a lot of unknowns like processing waste disposal and impacts on law enforcement with high monthly cash income, Lorton asked to hear the police chief's opinion.

Chief of Police Kevin Martinez said the 1,000 foot perimeter is critical because although he understands there are two camps in regards to the relationship with alcohol and marijuana when it comes down to smoking cigarettes or marijuana, kids will cross the line and possibly use this opportunity to smoke marijuana. There is a vulnerability with kids and schools and we want to minimize any exposure and opportunity we can. The 1,000 foot restriction is beneficial to the community as a whole.

VOTE: To approve Ordinance No. 2016-714 as amended. Motion denied (2 Yes[Lowry, Varuska]/5 No/0 Absent/0 Abstain).

MOTION: Bailey/Herwick to approve Ordinance No. 2016-714 amending titles 5 and 17 of the Carlton Municipal Code to adopt standards for commercial marijuana retail activities as presented by staff and recommend City Council to adopt the ordinance as is. Motion carried (6 Yes/1 No[Varuska]/0 Absent/0 Abstain).

3. APPROVAL OF MINUTES – JANUARY 5, 2016

MOTION: Karl/Lorton to approve the Planning Commission minutes from January 5, 2016 as submitted. Motion carried (6 Yes/1 No[Varuska]/0 Absent/0 Abstain).

4. ADJOURNMENT

The meeting adjourned at 7:44 PM.

APPROVED by the City of Carlton Planning Commission on this 21st day of March, 2016.

ATTEST:

Jennifer Nelson, City Recorder

Bob Graham, Chair

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00 "EXHIBIT A"

News-Register

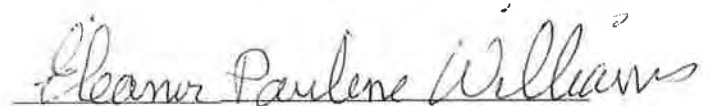
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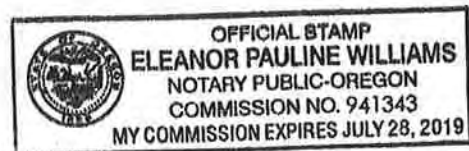
AFFIDAVIT OF PUBLICATION

STATE OF OREGON } ss.
County of Yamhill

I, Connie Crafton, being first duly sworn, depose and say that I am the Legal Clerk, of the NEWS-REGISTER, a newspaper of general circulation as defined by O.R.S. 193.010 and O.R.S. 193.020 published two times each week at McMinnville, County of Yamhill, State of Oregon, and that **City of Carlton - Public Hearing January 19, 2016 Planning Committee Meeting - January 8, 2016** Subscribed and sworn before me this **1/12/2016** .



Notary Public for Oregon
My Commission Expires 07/28/2019



PUBLIC HEARING
Legislative Amendment 2016-01

On January 5, 2016, the City of Carlton City Council and Planning Commission held a combined public hearing to consider a proposed Ordinance No. 2016-714 amending title 5 and 17 of the Carlton Municipal Code to adopt standards for commercial marijuana retail activities. During the hearing, public testimony was received and the hearing continued without deliberations to **Tuesday, January 19, 2016 at 7:00 PM** in the Carlton City Hall, 191 E. Main Street, Carlton, OR 97111. The purpose of the continuance is for the Carlton Planning Commission and City Council to receive additional citizen testimony about the proposed legislative amendments and conduct deliberations before considering the proposed ordinance. Written comments are welcome and may be received via post or in person at 191 E. Main Street, Carlton, OR 97111, by fax (503) 852-7761 or email to jnelson@ci.carlton.or.us by 5:00 PM on Tuesday, January 19, 2016. More information about the proposed standards, a staff report and a draft of Ordinance No. 2016-714 is available for public viewing at City Hall during regular business hours and on the city's website (www.ci.carlton.or.us).
NR Published January 8, 2016



Please Post until 1/20/2016

**City Council & Planning Commission
PUBLIC HEARING NOTICE
Legislative Amendment 2016-01**

On January 5, 2016, the City of Carlton **City Council** and **Planning Commission** held a combined public hearing to consider a proposed Ordinance No. 2016-714 amending title 5 and 17 of the Carlton Municipal Code to adopt standards for commercial marijuana retail activities. During the hearing, public testimony was received and the hearing continued without deliberations to **Tuesday, January 19, 2016 at 7:00 PM** in the Carlton City Hall, 191 E. Main Street, Carlton, OR 97111. The purpose of the continuance is for the Carlton Planning Commission and City Council to receive additional citizen testimony about the proposed legislative amendments and conduct deliberations before considering the proposed ordinance. Written comments are welcome and may be received via post or in person at 191 E. Main Street, Carlton, OR 97111, by fax (503) 852-7761 or email to jnelson@ci.carlton.or.us by 5:00 PM on Tuesday, January 19, 2016.

More information about the proposed standards, a staff report and a draft of **Ordinance No. 2016-714** is available for public viewing at City Hall during regular business hours and on the city's website (www.ci.carlton.or.us).

Posted 1/5/2016

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00 "EXHIBIT A"

PUBLIC HEARING

The Carlton City Council and Planning Commission will conduct a combined public hearing to consider a proposed Ordinance No. 2016-714 amending titles 5 and 17 of the Carlton Municipal Code to adopt standards for commercial marijuana retail activities. The public hearing will be held on **Tuesday, January 5, 2016 at 7:00 PM** in the Carlton City Hall, 191 E. Main Street, Carlton, OR 97111. The purpose of the hearing is for the Carlton Planning Commission and City Council to receive citizen testimony and written comments about the proposed legislative amendments. Written comments are welcome and may be received via post or in person at 191 E. Main Street, by fax (503) 852-7761 or email to jnelson@ci.carlton.or.us by 5:00 PM on Tuesday, January 5, 2016. More information about the proposed standards and a draft of Ordinance No. 2016-714 will be available for public viewing at City Hall during regular business hours and on the city's website (www.ci.carlton.or.us). A staff report will be available seven (7) days prior to the public hearing.

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STATE OF OREGON } ss.
County of Yamhill

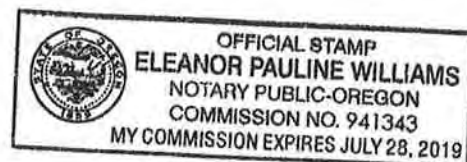
I, Connie Crafton, being first duly sworn, depose and say that I am the Legal Clerk, of the NEWS-REGISTER, a newspaper of general circulation as defined by O.R.S. 193.010 and O.R.S. 193.020 published two times each week at McMinnville, County of Yamhill, State of Oregon, and that **City of Carlton - Public Hearing Legislative Amendment 2016-01- - December 31, 2015**

Subscribed and sworn before me this **1/5/2016** .

Connie Crafton

Eleanor Pauline Williams

Notary Public for Oregon
My Commission Expires 07/28/2019



December 31, 2015

To Whom It May Concern

The City of Carlton placed a request with the News Register to publish their Public Hearing for Legislative Amendment 2016-01.

The notice was scheduled for publication on December 22 and 29, 2015. For unexplainable reasons the notice did not publish on either of the two requested days, even though reviewing the setup, it would appear it should have.

It was decided on December 30, 2015 to go ahead and publish the notice one time on December 31, 2015

The publishing date did not get changed at the bottom of the notice. Was not sure if we were going to publish the notice or pull it from publication for December 31, 2015 and changing the date was overlooked.

Please accept the full page the legal notice appears on as proof of publication. The affidavit verifies the published date also.

My apologies to the City of Carlton for this error and the trouble it caused!

Connie Crafton

Legal Clerk

503-687-1236



Please Post until 1/6/2016

**City Council & Planning Commission
PUBLIC HEARING NOTICE
Legislative Amendment 2016-01**

The City of Carlton **City Council** and **Planning Commission** will conduct a combined public hearing to consider a proposed Ordinance No. 2016-714 amending titles 5 and 17 of the Carlton Municipal Code to adopt standards for commercial marijuana retail activities.

The public hearing will be held on **Tuesday, January 5, 2016 at 7:00 PM** in the Carlton City Hall, 191 E. Main Street, Carlton, OR 97111. The purpose of the hearing is for the Carlton Planning Commission and City Council to receive citizen testimony and written comments about the proposed legislative amendments. Written comments are welcome and may be received via post or in person at 191 E. Main Street, Carlton, OR 97111, by fax (503) 852-7761 or email to jnelson@ci.carlton.or.us by 5:00 PM on Tuesday, January 5, 2016.

More information about the proposed standards and a draft of **Ordinance No. 2016-714** will be available for public viewing at City Hall during regular business hours and on the city's website (www.ci.carlton.or.us). A staff report will be available seven (7) days prior to the public hearing.



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

FOR DLCD USE
File No.:
Received:

Local governments are required to send notice of a proposed change to a comprehensive plan or land use regulation at least 35 days before the first evidentiary hearing. (See OAR 660-018-0020 for a post-acknowledgment plan amendment and OAR 660-025-0080 for a periodic review task). The rules require that the notice include a completed copy of this form.

Jurisdiction: City of Carlton

Local file no.: LA 2016-01

Please check the type of change that best describes the proposal:

- Urban growth boundary (UGB) amendment including more than 50 acres, by a city with a population greater than 2,500 within the UGB
UGB amendment over 100 acres by a metropolitan service district
Urban reserve designation, or amendment including over 50 acres, by a city with a population greater than 2,500 within the UGB
Periodic review task - Task no.:
Any other change to a comp plan or land use regulation (e.g., a post-acknowledgement plan amendment)

Local contact person (name and title): Jennifer Nelson, City Recorder

Phone: 503-852-7575 E-mail: jnelson@ci.carlton.or.us>

Street address: 191 E. Main Street City: Carlton Zip: 97111

Briefly summarize the proposal in plain language. Please identify all chapters of the plan or code proposed for amendment (maximum 500 characters):

The Carlton Planning Commission and City Council intends to conduct a joint public hearing on the attached ordinance amending Titles 5 and 17 of the Carlton Municipal Code to adopt standards for Commercial Marijuana Retail Activities.

Date of first evidentiary hearing: 01/05/2016

Date of final hearing: 01/05/2016

This is a revision to a previously submitted notice. Date of previous submittal:

Check all that apply:

- Comprehensive Plan text amendment(s)
Comprehensive Plan map amendment(s) - Change from to
Change from to
New or amended land use regulation
Zoning map amendment(s) - Change from to
Change from to
An exception to a statewide planning goal is proposed - goal(s) subject to exception:
Acres affected by map amendment:

Location of property, if applicable (site address and T, R, Sec., TL):

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

NOTICE OF A PROPOSED CHANGE – SUBMITTAL INSTRUCTIONS

1. Except under certain circumstances,¹ proposed amendments must be submitted to DLCD's Salem office at least 35 days before the first evidentiary hearing on the proposal. The 35 days begins the day of the postmark if mailed, or, if submitted by means other than US Postal Service, on the day DLCD receives the proposal in its Salem office. **DLCD will not confirm receipt of a Notice of a Proposed Change unless requested.**

2. A Notice of a Proposed Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of a Proposed Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of a Proposed Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 1 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist
Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to plan.amendments@state.or.us with the subject line "Notice of Proposed Amendment."

Submittals may also be uploaded to DLCD's FTP site at http://www.oregon.gov/LCD/Pages/papa_submittal.aspx.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

¹ 660-018-0022 provides:

- (1) When a local government determines that no goals, commission rules, or land use statutes apply to a particular proposed change, the notice of a proposed change is not required [a notice of adoption is still required, however]; and
- (2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review such that the local government cannot submit the proposed change consistent with the 35-day deadline, the local government may submit the proposed change to the department as soon as practicable. The submittal must include a description of the emergency circumstances.

Include this Form 1 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of a Proposed Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or plan.amendments@state.or.us.

6. **Text:** Submittal of a Notice of a Proposed Change for a comprehensive plan or land use regulation text amendment must include the text of the amendment and any other information necessary to advise DLCD of the effect of the proposal. "Text" means the specific language proposed to be amended, added to, or deleted from the currently acknowledged plan or land use regulation. A general description of the proposal is not adequate. The notice may be deemed incomplete without this documentation.

7. **Staff report:** Attach any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.

8. **Local hearing notice:** Attach the notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable.

9. **Maps:** Submittal of a proposed map amendment must include a map of the affected area showing existing and proposed plan and zone designations. A paper map must be legible if printed on 8½" x 11" paper. Include text regarding background, justification for the change, and the application if there was one accepted by the local government. A map by itself is not a complete notice.

10. **Goal exceptions:** Submittal of proposed amendments that involve a goal exception must include the proposed language of the exception.

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail plan.amendments@state.or.us.

Notice checklist. Include all that apply:

- Completed Form 1
- The text of the amendment (e.g., plan or code text changes, exception findings, justification for change)
- Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained
- A map of the affected area showing existing and proposed plan and zone designations
- A copy of the notice or a draft of the notice regarding a quasi-judicial land use hearing, if applicable
- Any other information necessary to advise DLCD of the effect of the proposal



Memorandum

To: The Mayor and Members of the City Council and Planning Commissioners
From: Chad Olsen, City Manager
Subject: Ordinance No. 2016-714: Amending Titles 5 and 17 of the Carlton Municipal Code to Adopt Standards for Commercial Marijuana Retail Activities (First Reading)
Date: January 14, 2015

Recommendation

Staff recommends that at its January 19, 2016 regular meeting the Council approve and authorize the Mayor to sign Ordinance No. 2016-714, amending Titles 5 and 17 of the Carlton Municipal Code to adopt standards for commercial marijuana retail activities.

Background

The Council has previously adopted medical marijuana dispensary regulations. In a similar undertaking the Council should consider adopting local regulations to enact and enforce reasonable time, place and manner regulations on the establishment and operation of recreational marijuana dispensaries in accordance with state law.

The City Council and Carlton Planning Commission conducted a joint public hearing at the outset of the Council’s January 5, 2016 regular meeting and continued the hearing to January 19, 2016. At the close of the hearing the Planning Commission plans to continue their meeting, deliberate to a recommendation and adjourn. Then the Council will continue their meeting, receive the Planning Commission’s recommendation and deliberate and take whatever action the Council deems appropriate.

Ordinance No. 2016-714, amending Titles 5 and 17 of the Carlton Municipal Code to adopt standards for commercial marijuana retail activities is the draft presented to the Planning Commission for their deliberations. Depending on their deliberations, staff anticipates the draft ordinance, unchanged or modified depending on the Commission’s deliberations to be recommended to the Council for action. At this time, the assumption is that the Commission’s recommendation will be substantively unchanged from the attached draft ordinance.

Alternatives

- 1. Do not approve.

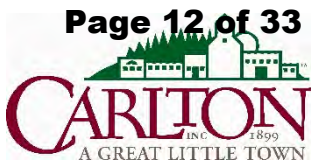
Fiscal Impact

None

Attachments

- 1. Ordinance No. 2016-714: Amending Titles 5 and 17 of the Carlton Municipal Code to Adopt Standards for Commercial Marijuana Retail Activities.

Co:R/cityrecorder/packets/RS/2016/010516 - correspondencetocitycouncil – Ordinance No. 2016-714: Amending Titles 5 And 17 Of The Carlton Municipal Code To Adopt Standards For Commercial Marijuana Retail Activities



ORDINANCE NO. 2016-714

AN ORDINANCE AMENDING TITLES 5 AND 17 OF THE CARLTON MUNICIPAL CODE TO ADOPT STANDARDS FOR COMMERCIAL MARIJUANA RETAIL ACTIVITIES

WHEREAS, Chapter 5 of the Municipal Code includes regulation for the operation of businesses within the City of Carlton; and

WHEREAS, the City Council is authorized by 2015 Oregon Senate Bill 3400 to adopt reasonable time place and manner regulations on the establishment and operation of commercial marijuana retail facilities in accordance with state law.

THE CITY OF CARLTON ORDAINS AS FOLLOWS:

SECTION 1. Title 5 of the Carlton Municipal Code is amended to add a new Chapter 5.50 entitled “Medical Marijuana Dispensaries: to read as follows:

**“Chapter 5.50
COMMERCIAL MARIJUANA RETAIL FACILITIES**

Sections:

[5.50.010](#) Purpose.

[5.50.020](#) Definitions.

[5.50.030](#) Regulations for commercial retail marijuana facilities.

5.50.010 Purpose.

It is recognized that the presence of commercial retail marijuana facilities within the City of Carlton may result in adverse social and economic impacts, increased crime incidents, and physical deterioration in the general areas of such businesses. It is evident that regulations applicable to such facilities are necessary to protect minors and to preserve the character, safety and stability of residential areas that are in proximity to such commercial businesses. The purpose of this section is to establish regulations applicable to commercial retail marijuana facilities, as defined in the Oregon Revised Statutes and in Section [5.40.020](#).

5.40.020 Definitions.

For purposes of this chapter, the following terms and business types are defined in this section:

- A. “Commercial retail marijuana” means all parts of the plant cannabis family cannabaceae, genus cannabis whether growing or not, and the seed of such plants.

- B. "Retail cultivation" means a location where commercial retail marijuana is produced or cultivated including within a building, structure or premises used for the cultivation or storage of commercial retail marijuana that is physically separate and off site from a commercial retail marijuana facility.
- C. "Commercial retail marijuana facility" means a commercial retail marijuana facility licensed [under Section 22, Chapter 1, Oregon Laws, 2015](#), that sells, distributes, transmits, gives, dispenses or otherwise provides medical marijuana to qualifying patients.
- D. "Infusion" means a facility or business that incorporates marijuana (cannabis) by means of cooking, blending, or incorporation into consumable/edible goods.

5.50.030 Regulations for commercial retail marijuana facility.

- A. Commercial retail marijuana facility businesses may be granted a conditional use permit by the planning commission in accordance with the requirements of the zoning district in which the business is proposed, and in accordance with the following regulations:
 - 1. Evidence that the business is currently licensed under [Section 22, Chapter 1, Oregon Laws, 2015](#).
 - 2. The proposed use complies with all requirements set forth for the issuance of a conditional use permit in accordance with Chapter [17.152.035](#));
 - 3. The lot on which the business is proposed shall only be located on property zoned and classified as Commercial Business, Commercial Industrial, or General Industrial;
 - 4. The business shall be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle;
 - 5. The lot is not within one thousand feet of any lot upon which there is located an educational institution primarily attended by minors, including any kindergarten, elementary or secondary schools;
 - 6. If the use is a medical marijuana dispensary the lot is not within one thousand feet of any lot upon which there is located another marijuana dispensary business;
 - 7. The lot is not within one thousand feet of the exterior boundaries of a city park.
 - 8. The exterior appearance of the structure shall be consistent with the appearance of existing commercial structures on abutting lots or within the immediate neighborhood, so as not to cause blight, deterioration, or avoidable depreciation in property values within the general vicinity;

9. No commercial retail marijuana facility business, as defined in this chapter, shall have operating hours earlier than eight a.m. or later than eight p.m. of the same day;
 10. Cultivation, retail cultivation or infusion of marijuana at the site of the dispensary or commercial retail facility is prohibited;
 11. The business shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the facility's exterior refuse containers;
 12. Drive-through services are prohibited.
- B. Applicants for a business licenses for a commercial retail marijuana facility must file with the city recorder an application form and the applicable fee for a business license in accordance with CMC Chapter 5.04 which shall also provide the following supplemental information:
1. A copy of the application made to the State of Oregon for licensing of the proposed commercial retail marijuana facility.
 2. The location of the proposed commercial retail marijuana facility business.
- C. Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine as defined by Title 1, Chapter 1.36, and any resolution adopted in connection therewith.

5.50.040 – Violations – Penalties.

- A. A person violating any of the provisions of this chapter shall be subject to the penalty set forth in CMC Chapter 1.12.010.
- B. Each day's violation of any provision of this Chapter 5.04 shall constitute a separate offense, punishable as set forth in this Chapter 5.50."

SECTION 2. Development Code Definitions. Title 17 of the Carlton Municipal Code is amended to add to Chapter 17.12. entitled "Definitions" the following definitions to read as follows:

- A. "Commercial retail marijuana" means all parts of the plant cannabis family cannabaceae, genus cannabis whether growing or not, and the seed of such plants.
- B. "Retail cultivation" means a location where commercial retail marijuana is produced or cultivated including within a building, structure or premises used for the cultivation or

storage of commercial retail marijuana that is physically separate and off site from a commercial retail marijuana facility.

- C. “Commercial retail marijuana facility” means a commercial retail marijuana facility licensed [under Section 22, Chapter 1, Oregon Laws, 2015](#), that sells, distributes, transmits, gives, dispenses or otherwise provides medical marijuana to qualifying patients.
- D. “Infusion” means a facility or business that incorporates marijuana (cannabis) by means of cooking, blending, or incorporation into consumable/edible goods.

SECTION 3. Conditional Use in CB District. Title 17 Section 17.32.030 of the Carlton Municipal Code is amended to add a new conditional use to read as follows:

“R. Commercial Retail Marijuana Facility subject to the conditional use criteria listed in Section 17.152.035.”

SECTION 4. Conditional Use in CI District. Title 17 Section 17.36.030 of the Carlton Municipal Code is amended to add a new conditional use to read as follows:

“Commercial Retail Marijuana Facility subject to the conditional use criteria listed in Section 17.152.035.”

SECTION 5. Conditional Use in GI District. Title 17 Section 17.40.030 of the Carlton Municipal Code is amended to add a new conditional use to read as follows:

“H. Commercial Retail Marijuana Facility subject to the conditional use criteria listed in Section 17.152.035.”

SECTION 6. Conditional Use Permit Criteria. Title 17 of the Carlton Municipal Code is amended to add a new Chapter 17.152.035 entitled “Criteria for Approval of Medical Marijuana Dispensary or Commercial Retail Marijuana Facility” to read as follows:

“17.152.035 Criteria for Approval of Medical Marijuana Dispensary or Commercial Retail Marijuana Facility

1. The lot on which the business is proposed shall only be located on property zoned and classified as Commercial Business, Commercial Industrial, or General Industrial;
2. The business shall be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle;
3. The lot is not within one thousand feet of any lot upon which there is located an educational institution primarily attended by minors, including kindergarten, elementary and secondary schools;

4. If the use is a medical marijuana dispensary the lot is not within one thousand feet of any lot upon which there is located another marijuana dispensary business;
5. The lot is not within one thousand feet of the exterior boundaries of a city park.
6. The exterior appearance of the structure shall be consistent with the appearance of existing commercial structures on abutting lots or within the immediate neighborhood, so as not to cause blight, deterioration, or avoidable depreciation in property values within the general vicinity;
7. No marijuana dispensary business or commercial retail marijuana facility shall have operating hours earlier than eight a.m. or later than eight p.m. of the same day;
8. Cultivation, retail cultivation or infusion of marijuana at the site of the dispensary or commercial retail facility is prohibited;
9. The business shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the facility’s exterior refuse containers;
10. Drive-through services are prohibited.

SECTION 7. Codification. The City Recorder is hereby directed to codify this ordinance as a part of the Carlton Municipal Code.

SECTION 8. Emergency. This ordinance being necessary for the immediate preservation of the public peace, health and safety of the City of Carlton, an emergency is declared to exist and this Ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

ADOPTED by the City Council on this 19th day of January, 2016, by the following votes:

AYES:	NAYES:	ABSENT:	ABSTAIN:
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APPROVED and signed by the Mayor this 19th day of January, 2016.

Kathie Oriet, Mayor

ATTEST: _____
Jennifer L. Nelson, City Recorder