



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



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

Date: 11/07/2014
Jurisdiction: Washington County
Local file no.: ORDINANCE 792
DLCD file no.: 013-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 11/06/2014. 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 48 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.: 013-14
 { 22353 }

Received: 11/6/2014

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: **Washington County**Local file no.: **A-Engrossed Ordinance No. 792**Date of adoption: **October 28, 2014**Date sent: **11/06/14**

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): July 3, 2014

Is the adopted change different from what was described in the Notice of Proposed Change? **Yes**

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

In A-Engrossed Ordinance No. 792, the Board of Commissioners directed removal of a requirement that Medical Marijuana Dispensaries be located no closer than 1,500 feet from a light rail station platform. In addition, the ordinance was amended to clarify that Medical Marijuana Dispensaries are subject to the Special Use standards of Community Development Code Section 430-80 in Transit Oriented Districts.

Local contact (name and title): Wayne Hayson, Principal Planner

Phone: 503-846-3867

E-mail: wayne_hayson@co.washington.or.us

Street address: 155 N . First Avenue, Suite 350, MS 13

City: Hillsboro

Zip: 97124-3072

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:

- Section 313 – Community Business District**
- Section 314 – General Commercial District**
- Section 320 – Industrial District**
- Section 352 – Rural Commercial District**
- Section 375 – Transit Oriented Districts**
- Section 390 – North Bethany Subarea Overlay District**
- Section 430 – Special Use Standards**

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:

Oregon Health Authority Medical Marijuana Dispensary Program (OHA/OMMP), Washington County Sheriff's Office, Washington County Department of Health and Human Services

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.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Third Reading and Third Public Hearing
Land Use & Transportation; County Counsel (CPO All)

Agenda Title: **CONSIDER PROPOSED A-ENGROSSED ORDINANCE NO. 792 –
AN ORDINANCE AMENDING THE COMMUNITY
DEVELOPMENT CODE RELATING TO STANDARDS FOR
MEDICAL MARIJUANA DISPENSARIES**

Presented by: Andrew Singelakis, Director of Land Use & Transportation
Alan Rappleyea, County Counsel

SUMMARY:

A-Engrossed Ordinance No. 792 proposes to amend the Community Development Code (CDC) relating to standards for Medical Marijuana Dispensaries and repeals Ordinance No. 781, a temporary moratorium on the business or sale of medical marijuana. The proposed ordinance is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2014-land-use-ordinances.cfm>

The Board conducted its initial hearing for Ordinance No. 792 on September 16, 2014 and directed engrossment of the ordinance to make a number of changes. A description of those changes was included in the staff report for the October 7, 2014 hearing. The Board held its first hearing for A-Engrossed Ordinance No. 792 on October 7 and continued the hearing to October 28, 2014.

The staff report for the October 28 hearing will be provided to the Board prior to the hearing and posted on the above land use ordinance web page. Copies of the report will also be available electronically and at the Clerk's desk prior to the hearing.

Consistent with Board policy, testimony about the ordinance is limited to two minutes for individuals and five minutes for a representative of a group.

Clerk's Desk Item: Staff Report *(click to access electronic copy)*

DEPARTMENT'S REQUESTED ACTION:

Read A-Engrossed Ordinance No. 792 by title only and conduct the second public hearing for the engrossed ordinance. At the conclusion of the hearing, adopt A-Engrossed Ordinance No. 792.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	3.d.
Date:	10/28/14

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**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON**

A-ENGROSSED ORDINANCE 792

An Ordinance Amending the Community Development Code Relating to Standards for Medical Marijuana Dispensaries and Repealing Ordinance 781, a Temporary Moratorium on the Business or Sale of Medical Marijuana

The Board of County Commissioners of Washington County, Oregon ("Board") ordains as follows:

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, recognizes that the Community Development Code Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, and subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692,

1 694-698, 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-
2 758, 760, 762, 763, 765, 766, and 769-776.

3 B. As part of its ongoing planning efforts Washington County staff has identified
4 amendments to the Code to set forth standards for medical marijuana dispensaries. This
5 ordinance also authorizes the repeal of Ordinance 781, an ordinance that imposed a
6 temporary moratorium on the business and sale of medical marijuana as provided by SB
7 1531. The Board recognizes that such changes are necessary from time to time for the
8 benefit and welfare of the residents of Washington County, Oregon.

9 C. Under the provisions of Washington County Charter Chapter X, the
10 Department of Land Use and Transportation has carried out its responsibilities, including
11 preparation of notices, and the County Planning Commission has conducted one or more
12 public hearings on the proposed amendments and has submitted its recommendations to the
13 Board. The Board finds that this Ordinance is based on those recommendations and any
14 modifications made by the Board are a result of the public hearings process;

15 D. The Board finds and takes public notice that it is in receipt of all matters and
16 information necessary to consider this Ordinance in an adequate manner, and finds that this
17 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan
18 adoption as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington
19 County Charter, the Washington County Community Development Code, and the Washington
20 County Comprehensive Plan.

21 \\\

1 SECTION 2

2 The following exhibit, attached hereto and incorporated herein by reference, is adopted
3 as amendments to the designated documents as follows:

4 I. Exhibit 1 (5 pages), amending the following sections of the Community
5 Development Code:

6 a. Section 313 – Community Business District (CBD) – Uses Permitted
7 Through a Type II Procedure

8 b. Section 314 – General Commercial District (GC) – Uses Permitted
9 Through a Type II Procedure

10 c. Section 320 – Industrial District (IND) – Uses Permitted Through a
11 Type II Procedure

12 d. Section 352 – Rural Commercial District (R-COM) – Uses Which May Be
13 Permitted Through a Type II Procedure

14 e. Section 375 – Transit Oriented Districts – Development Limitations for
15 Permitted Uses in Transit Oriented Districts

16 f. Section 390 – North Bethany Subarea Overlay District

17 i. 390-14 Neighborhood Commercial Mixed Use District
18 (NCMU NB)

19 ii. 390-16 Special Use Standards

20 g. Section 430 – Special Use Standards

21 i. Medical Marijuana Dispensary

22 ///

1 SECTION 3

2 Ordinance 781 is hereby repealed.

3 SECTION 4

4 All other Comprehensive Plan provisions that have been adopted by prior ordinance,
5 which are not expressly amended or repealed herein, shall remain in full force and effect.

6 SECTION 5

7 All applications received prior to the effective date shall be processed in accordance
8 with ORS 215.427.

9 SECTION 6

10 If any portion of this Ordinance, including the exhibit, shall for any reason be held
11 invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be
12 affected thereby and shall remain in full force and effect.

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1 SECTION 7

2 The Office of County Counsel and Department of Land Use and Transportation are
3 authorized to prepare planning documents to reflect the changes adopted under Section 2 of
4 this Ordinance, including deleting and adding textual material and maps, renumbering pages
5 or sections, and making any technical changes not affecting the substance of these
6 amendments as necessary to conform to the Washington County Comprehensive Plan format.

7 SECTION 8

8 This Ordinance shall take effect thirty (30) days after adoption.

9 ENACTED this 28th day of October, 2014, being the third reading
10 and third public hearing before the Board of County Commissioners of Washington
11 County, Oregon.

12 BOARD OF COUNTY COMMISSIONERS
13 FOR WASHINGTON COUNTY, OREGON

14 **ADOPTED**

15 *Andy Dwyer*
CHAIRMAN

16 *A. D. Neyela*
RECORDING SECRETARY

17 READING

PUBLIC HEARING

18 First September 16, 2014
19 Second October 7, 2014
20 Third October 28, 2014
Fourth _____
Fifth _____

18 First September 16, 2014 (Ordered) ^{Engrossment}
19 Second October 7, 2014
20 Third October 28, 2014
Fourth _____
Fifth _____

21 VOTE: Aye: Schouten, Rogers,
Malinowski, Terry

Nay: _____
Abstained: Dwyer

22 Recording Secretary: Ana D. Neyela Date: October 28, 2014

Sections of the Community Development Code are amended to reflect the following:

1. Section 313 – COMMUNITY BUSINESS DISTRICT (CBD)

313-3 Uses Permitted Through a Type II Procedure

313-3.40 Medical Marijuana Dispensary - Section 430-80.

2. Section 314 – GENERAL COMMERCIAL DISTRICT (GC)

314-3 Uses Permitted Through a Type II Procedure

314-3.45 Medical Marijuana Dispensary - Section 430-80.

3. Section 320 – INDUSTRIAL DISTRICT (IND)

320-3 Uses Permitted Through a Type II Procedure

320-3.20 Medical Marijuana Dispensary - Section 430-80.

4. Section 352 – RURAL COMMERCIAL DISTRICT (R-COM)

352-3 Uses Which May Be Permitted Through a Type II Procedure

352-3.1 Permitted Uses:

DD. Medical Marijuana Dispensary - Section 430-80.

5. Section 375 – TRANSIT ORIENTED DISTRICTS

375-7 Development Limitations for Permitted Uses in Transit Oriented Districts

33. Medical marijuana dispensaries shall be subject to the standards of Section 430-80.

*** [see table on next page]

Table A. Permitted and Prohibited Uses in Transit Oriented Districts

USE	DISTRICT								
	TO:RC	TO:BUS	TO:EMP	TO:R9-12	TO:R12-18	TO:R18-24	TO:R24-40	TO:R40-80	TO:R80-120
Commercial Uses:		(1)	(2)				(3)	(3)	(3)
Retail Business ≤ 5,000 sq. ft. floor area (23.b.)	II	II	II	N	N	N	III	III	III
Retail Business > 5,000 sq. ft. floor area	II	II	III (4)	N	N	N	N	N	N
Food Market (5)	II or III	II	N	N	N	N	N	N	N
Bulk Product Sales	N	N	N	N	N	N	N	N	N
Hotels	II (6)	II	II	N	N	N	N	N	N
<u>Medical Marijuana Dispensary (33)</u>	<u>II</u>	<u>II</u>	<u>II</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Motels	N	N	N	N	N	N	N	N	N

abcdef Proposed additions
~~abcdef~~ Proposed deletions

6. Section 390 – NORTH BETHANY SUBAREA OVERLAY DISTRICT

390-14 Neighborhood Commercial Mixed Use District (NCMU NB)

390-14.3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 390 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

U. Medical Marijuana Dispensary – Section 390-16.15.

390-16 Special Use Standards

390-16.15 Medical Marijuana Dispensary

A Medical Marijuana Dispensary is a facility, registered by the Oregon Health Authority, that is allowed to receive marijuana or immature marijuana plants and transfer that marijuana to a patient or a patient’s caregiver if the patient or caregiver has an Oregon Medical Marijuana Program card.

Medical Marijuana Dispensaries are permitted subject to the following:

- A. All State requirements must be met;
- B. Hours of operation shall be limited to between 8:00 a.m. and 10:00 p.m.;
- C. Entrances and off-street parking areas for the Medical Marijuana Dispensary shall be well lit and not visually obscured from public view/right of way; and,
- D. In addition to State requirements for location, Medical Marijuana Dispensaries must be located:
 - (1) At least 2,000 feet away from any other registered Medical Marijuana Dispensary;

Distances are measured by a straight line between any point on the boundary line of the real property containing a Medical Marijuana Dispensary to any point

on the boundary line of the real property containing another Medical Marijuana Dispensary.

7. Section 430 – SPECIAL USE STANDARDS

430-80 Medical Marijuana Dispensary

A Medical Marijuana Dispensary is a facility, registered by the Oregon Health Authority, that is allowed to receive marijuana or immature marijuana plants and transfer that marijuana to a patient or a patient's caregiver if the patient or caregiver has an Oregon Medical Marijuana Program card.

Medical Marijuana Dispensaries are permitted subject to the following:

430-80.1 All State requirements must be met;

430-80.2 Hours of operation shall be limited to between 8:00 a.m. and 10:00 p.m.;

430-80.3 Entrances and off-street parking areas for the Medical Marijuana Dispensary shall be well lit and not visually obscured from public view/right of way;

430-80.4 In the Industrial (IND), General Commercial (GC), and Rural Commercial (R-COM) Land Use Districts, the maximum allowed gross floor area for a Medical Marijuana Dispensary is 3,000 square feet; and,

430-80.5 In addition to State requirements for location, Medical Marijuana Dispensaries must be located:

A. At least 2,000 feet away from any other registered Medical Marijuana Dispensary;

Distances are measured by a straight line between any point on the boundary line of the real property containing a Medical Marijuana Dispensary to any point on the boundary line of the real property containing another Medical Marijuana Dispensary.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Action – Land Use & Transportation (CPO All)

Agenda Title: ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 792

Presented by: Andrew Singelakis, Director of Land Use & Transportation

SUMMARY:

A-Engrossed Ordinance No. 792 amends the Community Development Code (CDC) relating to standards for Medical Marijuana Dispensaries and repeals Ordinance No. 781, a temporary moratorium on the business or sale of medical marijuana. A-Engrossed Ordinance No. 792 is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2014-land-use-ordinances.cfm>

Post acknowledgment comprehensive plan amendments are amendments made to the county's Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with the Statewide Planning Goals. ORS 197.615 requires that such amendments be accompanied by findings setting forth the facts and analysis showing that the amendments are consistent with the applicable Statewide Planning Goals, Oregon Revised Statutes, State Administrative Rules and the applicable provisions of Washington County's Comprehensive Plan.

Additionally, as required by Title 8 of Metro's Urban Growth Management Functional Plan (UGMFP), any amendment to a comprehensive plan or implementing ordinance shall be consistent with the requirements of the UGMFP.

Attached is the Resolution and Order to adopt the findings for A-Engrossed Ordinance No. 792. Prior to the October 28, 2014 meeting, the proposed findings will be provided to the Board, posted on the above land use ordinance web page, and available at the Clerk's desk.

Attachment: Resolution and Order

Clerk's Desk Item: Ordinance Findings (*click to access electronic copy*)

DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for A-Engrossed Ordinance No. 792 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 14-124

Agenda Item No.	<u>5.d.</u>
Date:	10/28/14

1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Adopting) RESOLUTION AND ORDER
4 Legislative Findings in Support)
of A-Engrossed Ordinance No. 792) No. 14-124

5 This matter having come before the Washington County Board of Commissioners at its
6 meeting of October 28, 2014; and

7 It appearing to the Board that the findings contained in Exhibit "A" summarize relevant facts
8 and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised
9 Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's
10 Urban Growth Management Functional Plan relating to A-Engrossed Ordinance No. 792; and

11 It appearing to the Board that the findings attached as Exhibit "A" constitute appropriate
12 legislative findings with respect to the adopted ordinance; and

13 It appearing to the Board that the Planning Commission, at the conclusion of its public hearing
14 on August 20, 2014, made a recommendation to the Board, which is in the record and has been
15 reviewed by the Board; and

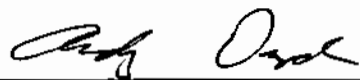
16 It appearing to the Board that, in the course of its deliberations, the Board has considered the
17 record which consists of all notices, testimony, staff reports, and correspondence from interested
18 parties, together with a record of the Planning Commission's proceedings, and other items submitted
19 to the Planning Commission and Board regarding this ordinance; it is therefore,

20 RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of
21 A-Engrossed Ordinance No. 792 are hereby adopted.

22 DATED this 28th day of October, 2014.

	AYE	NAY	ABSENT
23 DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24 SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25 MALINOWSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
APPROVED AS TO FORM: ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26 TERRY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON



Chairman



County Counsel
For Washington County, Oregon



Recording Secretary

EXHIBIT A

FINDINGS FOR A-ENGROSSED ORDINANCE NO. 792 AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO STANDARDS FOR MEDICAL MARIJUANA DISPENSARIES AND REPEALING ORDINANCE NO. 781, A TEMPORARY MORATORIUM ON THE BUSINESS OR SALE OF MEDICAL MARIJUANA

October 28, 2014

GENERAL FINDINGS

A-Engrossed Ordinance No. 792 amends the Washington County Community Development Code (CDC) to allow Medical Marijuana Dispensaries as a Special Use within certain land use districts within unincorporated Washington County.

A-Engrossed Ordinance No. 792 also repeals Ordinance No. 781, an ordinance that imposed a temporary moratorium on the business and sale of medical marijuana as provided by Oregon Senate Bill 1531. Ordinance No. 781 prohibits distribution of medical marijuana and its derivatives in unincorporated Washington County, including use of any building, structure, location, premises, or land for the business or sale of such products. Ordinance No. 781 is effective through May 1, 2015.

Key Ordinance Provisions

- A-Engrossed Ordinance No. 792 allows Medical Marijuana Dispensaries to be permitted as a Special Use in the land use districts identified below, subject to new Special Use criteria identified in CDC Sections 390-16.15 and 430-80:
 - Section 313 – Community Business District (CBD)
 - Section 314 – General Commercial District (GC)
 - Section 320 – Industrial District (IND)
 - Section 352 – Rural Commercial District (R-COM)
 - Section 375 – Transit Oriented Districts (TO:RC, TO:BUS, TO:EMP)
 - Section 390-14 – Neighborhood Commercial Mixed Use District North Bethany (NCMU NB)

Because the ordinance would make changes that do not affect compliance with Oregon's Statewide Planning Goals (Goals), it is not necessary for these findings to address the Goals with respect to each amendment. The county Board of Commissioners (Board) finds that the Goals apply to amendments covered by these findings only to the extent noted in specific responses to individual applicable Goals, and that each amendment complies with the Goals. Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Wetlands), 18 (Beaches and Dunes) and 19 (Ocean Resources) and related Oregon Administrative Rules (OAR) are not addressed because these resources are not located within Washington County.

GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that A-Engrossed Ordinance No. 792 is consistent with Statewide Planning Goals (Goals), Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) requirements, Metro's Urban Growth Management Functional Plan (UGMFP) and Washington County's Comprehensive Plan. Washington County's Comprehensive Plan was adopted to implement the aforementioned planning documents and was acknowledged by the State of Oregon. The county follows the post-acknowledgement plan amendment (PAPA) process to update the Comprehensive Plan with new state and regional regulations as necessary and relies in part upon these prior state review processes to demonstrate compliance with all necessary requirements. No Goal compliance issues were raised in the hearing proceedings described below. In addition, none of the proposed changes to the maps and text of the Comprehensive Plan implicate a Goal compliance issue. The following findings are provided to demonstrate ongoing compliance.

Goal 1 - Citizen Involvement

Washington County has an acknowledged citizen involvement program that provides opportunities for citizens and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the County Charter sets forth specific requirements for citizen involvement during review and adoption of land use ordinances. Washington County has utilized these requirements for the adoption of A-Engrossed Ordinance No. 792.

Goal 2 - Land Use Planning

Statewide Planning Goal 2 addresses Land Use Planning by requiring an adequate factual base to support a decision as well as coordination with affected governmental entities. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Comprehensive Plan, which includes documents such as the Rural/Natural Resource Plan, Comprehensive Framework Plan for the Urban Area (CFP), Community Development Code (CDC), Transportation Plan, Community Plans, and Urban Planning Area Agreements. Washington County utilized this process to adopt A-Engrossed Ordinance No. 792. Notice was coordinated with all affected governmental entities and no comments were received from these parties regarding the ordinance.

Goal 3 - Agricultural Lands

Statewide Planning Goal 3 seeks to preserve and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policies. Counties may authorize farm uses and those nonfarm uses defined by commission rule that will not have significant adverse effects on accepted farm or forest practices. A-Engrossed Ordinance No. 792 preserves agricultural lands for farm use by limiting medical marijuana dispensaries outside the Urban Growth Boundary to Rural Commercial designated lands, and limiting the gross floor area of a dispensary to 3,000 square feet.

Goal 9 – Economic Development

Goal 9 requires the provision of adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of citizens. Policy 20 in the CFP and Policies 15, 16, 20 and 21 in the Rural/Natural Resource Plan set out the county's policies to strengthen the local economy. The CDC contributes to a sound economy by providing standards that facilitate development in an orderly and efficient fashion.

A-Engrossed Ordinance No. 792 contributes to a healthy economy in Washington County by providing reasonable regulations on the sale of Medical Marijuana within unincorporated areas of the county. The proposed regulations provide a level of certainty, at least at the local level, to those persons responsible for medical marijuana facilities within unincorporated Washington County, and provide protections for surrounding residents and businesses.

Plan compliance with Goal 9 is maintained with the amendments made by A-Engrossed Ordinance No. 792. The amendments are consistent with the county's acknowledged policies and strategies for strengthening the local economy as required by Goal 9.

Findings of Compliance with Metro's Urban Growth Management Functional Plan for A-Engrossed Ordinance No. 792

Section 3.07.810 of Title 8 of the Urban Growth Management Functional Plan (UGMFP) requires that county comprehensive plan changes be consistent with the UGMFP. The following A-Engrossed Ordinance No. 792 findings have been prepared to address Titles 4 and 8 of the UGMFP.

Title 4 – Industrial and Other Employment Areas

Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. Title 4 requires cities and counties to review their land use regulations and revise them, if necessary, to include measures to limit the size and location of new buildings. This includes retail and professional services that cater to daily

customers, including medical offices, to ensure that they serve primarily the needs of workers in areas within RSIA's. One such measure identified in Title 4 to achieve this standard is that new buildings for stores, branches, agencies or other outlets for retail uses and services shall not occupy more than 3,000 square feet of sales or service area in a single outlet.

RESPONSE

Oregon House Bill 3460 specifically permits medical marijuana dispensaries within industrial areas. Accordingly, in order to achieve consistency with Title 4 while providing for reasonable regulation in accordance with Oregon Senate Bill 1531, in those areas within unincorporated Washington County designated as Industrial lands, new medical marijuana dispensaries are limited to no more than 3,000 square feet in gross floor area.

Title 8 - Compliance Procedures

Title 8 sets forth Metro's procedures for determining compliance with the UGMFP. Included in this title are steps local jurisdictions must take to ensure that Metro has the opportunity to review amendments to comprehensive plans. Title 8 requires jurisdictions to submit notice to Metro at least 45 days prior to the first evidentiary hearing for a proposed amendment to a comprehensive plan.

RESPONSE

Consistent with Title 8, a copy of proposed Ordinance No. 792 was mailed to Metro on July 3, 2014, 48 days prior to the first evidentiary hearing. A copy of proposed A-Engrossed Ordinance No. 792 was mailed to Metro on September 26, 2014. Metro provided no comments on A-Engrossed Ordinance No. 792.

The findings in this document demonstrate that the amendments made by this ordinance are in compliance with the UGMFP.