



Oregon

Kate Brown, 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: November 25, 2015

Jurisdiction: City of Carlton

Local file no.: LA 2015-01

DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 11/24/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 47 days prior to the first evidentiary hearing.

Appeal Procedures

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

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

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

DLCD Contact

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



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

FOR DLCD USE
File No.: 001-15 {23726}
Received: 11/24/2015

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

Jurisdiction: City of Carlton

Local file no.: **LA-2015-01**

Date of adoption: 8/10/2015

Date sent: 11/24/2015

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): 4/1/2015

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:

Changes were made to the distance dispensaries could be from city parks from 500 feet to 1,000 feet. Other revisions were made to final adopted ordinance that differ from the original. See attached.

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; 5.40; 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:
---------------------------	--------------	----------------

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

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

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.

Ordinance No. 2015-708 Amending Titles 5 & 17 of the Carlton Municipal code to adopt standards for medical marijuana dispensaries, 8/10 & 7/7 Council Minutes; Affidavit of public hearing notice for 5/18 planning & 6/8 Council meetings; 6/8 council minutes; 6/8 council staff report & draft ordinance; 5/18 planning minutes, staff report & draft ordinance.



ORDINANCE NO. 2015-708

AN ORDINANCE AMENDING TITLES 5 AND 17 OF THE CARLTON MUNICIPAL CODE TO ADOPT STANDARDS FOR MEDICAL MARIJUANA DISPENSARIES

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

WHEREAS, the City Council has previously considered and rejected adoption of a moratorium on the establishment of medical marijuana dispensaries within the City of Carlton; and

WHEREAS, the moratoriums previously enacted by many Oregon cities will terminate in accordance with state law on May 1, 2015; and

WHEREAS, the City Council is authorized by 2014 Oregon Senate Bill 1531 approved by the Oregon Legislature on March 7, 2014, to adopt reasonable time place and manner regulations on the establishment and operation of medical marijuana dispensaries 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 5.40 entitled "Medical Marijuana Dispensaries: to read as follows:

**"Chapter 5.40
MEDICAL MARIJUANA DISPENSARIES**

Sections:

[5.40.010](#) Purpose.

[5.40.020](#) Definitions.

[5.40.030](#) Regulations for medical marijuana dispensary.

5.40.010 Purpose.

It is recognized that the presence of marijuana dispensaries 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 dispensaries 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 marijuana dispensaries, 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. "Medical marijuana" means all parts of the genus cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.
- B. "Cultivation" means a location where marijuana is produced or cultivated for use by a medical marijuana qualifying patient including within a building, structure or premises used for the cultivation or storage of medical marijuana that is physically separate and off site from a medical marijuana dispensary.
- C. "Medical marijuana dispensary" means a medical marijuana facility registered by the Oregon Health Authority under ORS [475.300](#) to [475.346](#) and that sells, distributes, transmits, gives, dispenses or otherwise provides medical marijuana to qualifying patients.
- D. "Infusion" means a facility or business that incorporates medical marijuana (cannabis) by means of cooking, blending, or incorporation into consumable/edible goods.
- E. "Medical marijuana qualifying patient" means a registry identification cardholder (person who has been diagnosed by a physician as having a debilitating medical condition) as further defined by ORS [475.302\(3\)](#) or the designated primary caregiver of the cardholder as defined by ORS [475.302\(5\)](#).

5.40.030 Regulations for medical marijuana dispensary.

- A. Medical marijuana dispensary 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 registered under the state of Oregon's medical marijuana facility registration system under ORS [475.300](#) through [475.346](#);
 - 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. 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 marijuana dispensary 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 or infusion of medical marijuana at the site of the dispensary 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 medical marijuana dispensary 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 registration of the proposed dispensary.
 2. The location of the proposed medical marijuana dispensary 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.

5.40.040 – 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 5.04.040.”

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:

“Medical marijuana” means all parts of the genus cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patient’s debilitating medical condition or symptoms associated with the patient’s debilitating medical condition.

“Cultivation” means a location where marijuana is produced or cultivated for use by a medical marijuana qualifying patient including within a building, structure or premises used for the cultivation or storage of medical marijuana that is physically separate and off site from a medical marijuana dispensary.

“Medical marijuana dispensary” means a medical marijuana facility registered by the Oregon Health Authority under ORS [475.300](#) to [475.346](#) and that sells, distributes, transmits, gives, dispenses or otherwise provides medical marijuana to qualifying patients.

“Infusion” means a facility or business that incorporates medical marijuana (cannabis) by means of cooking, blending, or incorporation into consumable/edible goods.

“Medical marijuana qualifying patient” means a registry identification cardholder (person who has been diagnosed by a physician as having a debilitating medical condition) as further defined by ORS [475.302](#)(3) or the designated primary caregiver of the cardholder as defined by ORS [475.302](#)(5).

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:

“U. Medical Marijuana Dispensary 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:

“Medical marijuana dispensary 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:

“F. Medical marijuana dispensary 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” to read as follows:

“17.152.035 Criteria for Approval of Medical Marijuana Dispensary

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. 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, as defined in this chapter, shall have operating hours earlier than eight a.m. or later than eight p.m. of the same day;
8. Cultivation or infusion of medical marijuana at the site of the dispensary 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. Effective date. This ordinance shall be in full force and effect upon the thirtieth (30th) day after its passage by the Council and approval by the Mayor.

ADOPTED by the City Council on this 10th day of August, 2015, by the following votes:

AYES: 7 NAYES: 0 ABSENT: 0 ABSTAIN: 0

APPROVED and signed by the Mayor this 10th day of August, 2015.



Kathie Oriet, Mayor

ATTEST: 

Jennifer L. Nelson, City Recorder



City Council Regular Session Minutes
AUGUST 10, 2015, 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 7:13 PM.

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

Staff Present:	Chad Olsen, City Manager Christy Martinez, Finance Director Bryan Burnham, Public Works Director	Walt Gowell, City Attorney Kevin Martinez, Chief of Police Aimee Amerson, Office Specialist
-----------------------	--	---

Others Present: Bob Graham, Karl Schroeder, Jeff Lorton, Terry McIntyre, Renee Vorm, Renata Wakeley, Carol Fredrick and Tess Trelds

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

3. CHANGES TO THE AGENDA – None.

4. PUBLIC HEARING

7:15 PM

1) Ordinance No. 2015-711: Amending Title 17 of the Carlton Municipal Code to adopt standards for food cart vendors (First Reading)

Oriet opened the public hearing at 7:15 PM. The standard statements were read by Renata Wakeley and an explanation given for how the decision could impact citizens. She presented the staff report (see official meeting packet for full report). Oriet asked about having a maximum number of carts in the community. Wakeley recommended not limiting the number of carts, but changing the numbers of zones that can have carts or only allowing one cart per property.

Schroeder said the planning commission discussed one cart per property during their meetings. Graham also mentioned the five-year grandfather clause for carts under the existing code. Ward-Mullen asked if any carts are substantially different than the new ordinance would require and how the square footage applies to currently grandfathered carts. Olsen replied only the two current carts would be grandfathered, but they will have to comply within five years.

Wakeley noted the newest version of the ordinance does include the one cart per lot limitation and will need to be added. Rake asked about sanitation and if the City's public restroom will service the food carts. Portable toilets with hand-washing stations will need to be on site if the City does not approve use of

restrooms by cart customers. Olsen added the State Health Department requires restrooms nearby for employee and customer access to meet sanitation requirements. Schroeder added cart owners would need City permission or buy-in with nearby business owners to avoid adding extra burden to current business owners. Carl said citizens would incur the expense of allowing City restrooms to be open to the cart patrons.

Terry McIntyre asked Council they are able to grandfather a cart that does not meet health codes. Oriet replied Yamhill County enforces those codes, not the City. Rake said existing carts should meet bathroom and hand-washing station requirements for customers. Wakeley suggested adding a new subsection R to 17.126.060 to make existing carts have restroom facilities.

Ward-Mullen asked why gravel is excluded from appropriate cart surfaces. Schroeder answered that grey water is difficult to clean up on gravel. Lorton added other cities have paved surfaces for sanitation purposes and ADA requirements. Olsen added if a cart connects to the City's water system, they would pay system development charges (SDCs) and meet requirements.

Oriet closed the public testimony and the public hearing at 7:54 PM.

Wakeley reviewed the three changes Council discussed during the public testimony: 1) Under section 17.126.050.B: Add a #10 with text, "Only one cart shall be allowed on any legal lot of record"; 2) Under section 17.126.050.E.5.: Revise text from "Such provisions may be subject to all..." to "such provisions shall be subject to all..."; 3) Under section 17.126.040.E.2: The text in this subsection in its entirety starting with "Restrooms with hand washing facilities... or property owner where the facility is located" shall be copied and also placed under 17.126.060 as a new subsection R. No deliberations occurred.

MOTION: Rake/ Jernstedt to read **Ordinance No. 2015-711** by title only. Motion carried (7 Yes/0 No/ Absent/0 Abstain).

Gowell read the title of the ordinance.

MOTION: Carl/Chitwood to approve **Ordinance No. 2015-711** amending title 17 of the Carlton Municipal Code to adopt standards for food cart vendors in the first reading, as amended and read by title only. Motion carried (7 Yes/0 No/0 Absent /0 Abstain).

5. CITIZEN COMMENTS

7:59 PM

Jeff Lorton since Joe Della Valle has moved he is taking over his tradition of speaking during this time.

Renee Vorm from Your Community Mediators asked if the City Budget has been approved, spoke of their request for a grant award and said she appreciates the Council's support.

6. ANNOUNCEMENTS/REPORTS/PRESENTATIONS

1) Street Closure Permits – Carlton Crush and Sutch Wedding

8:05 PM

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

MOTION: Rake/Ward Mullen to approve the temporary closure of North Kutch from Main Street to West Monroe on September 12, 2015 for Carlton Crush event. Motion carried (7 Yes/0 No/ Absent/0 Abstain).

MOTION: Jernstedt/Ward-Mullen to approve the temporary closure of North Scott from North Scott to West Monroe on September 9, 2015 for Sutch Wedding event. Motion carried (7 Yes/0 No/0 Absent/0 Abstain).

2) Tourism committee

The revised FY16 budget was handed out (see official meeting packet for full report). The Tourism Committee is asking for Council to release budget funds.

MOTION: Carl/Jernstedt to approve the Tourism Fund Budget for Fiscal Year 2015-16 as submitted. Motion carried (7 Yes/0 No/ Absent/0 Abstain).

The Tourism Committee also wants to register the Visit Carlton trademark and start the trademark procedure. The trademark process includes a search to verify the trademark is not currently being used or trademarked. The Council agreed by consensus to approve the Visit Carlton logo to be trademarked and to direct the City Attorney to initiate the trademark process.

3) Community Grant Program Distribution

Local non-profit organizations Your Community Mediators, Homeward Bound and the Carlton Business Association (CBA) flower purchases have all made requests for community grant funds. Last year, the Mayor delegated the amounts to be distributed to the various non-profits grant requests.

MOTION: Rake/Carl to authorize the Mayor to make monetary decisions regarding the allocation of the community grant awards. Motion carried (7 Yes/0 No/ Absent/0 Abstain).

7. CONSENT AGENDA

8:31 PM

- 1) Meeting Minutes
 - City Council Special Session Minutes: July 7, 2015
- 2) Department Monthly Reports
- 3) Accounts Payable Report

MOTION: Jernstedt/ Rake to approve the consent agenda as submitted. Motion carried (7 Yes/0 No/0 Absent/0 Abstain).

8. ORDINANCE PRESENTATION, DISCUSSION & POTENTIAL ACTION ITEMS

8:31 PM

- 1) Ordinance No. 2015 – 708: Amending Titles 5 and 17 of the Carlton Municipal Code To Adopt Standards for Medical Marijuana Dispensaries **(Second Reading)**

This was ordinance approved in the first reading at the July 7, 2015 Special City Council meeting and set for a

final reading at the July meeting after the City Attorney has an opportunity to review impacts new State laws regarding medical marijuana dispensaries and make any additional changes required.

MOTION: Jernstedt/Rake to read **Ordinance No. 2015-708** by title only. Motion carried (7 Yes/0 No/0 Absent/0 Abstain).

Gowell read the title of the ordinance.

MOTION: Rake/Carl to adopt **Ordinance No. 2015-708** amending titles 5 and 17 of the Carlton Municipal Code to adopt development standards for medical marijuana dispensaries in the second reading, read by title only. Motion carried (7 Yes/0 No/0 Absent/0 Abstain).

2) Ordinance No. 2015 – 712: Comcast Franchise Agreement

Staff presented the report (see official meeting packet). Definitions, allowances and prohibited use of TV or cable services is defined on page 73. The agreement will have a 10-year term with annual reviews. A description of tree trimming and use of City easements in right away changes are included as well as new safety requirements that follow City adopted codes. Other changes also include: underground utilities, free service to public buildings, reimbursements of costs due to undergrounding, and regulation of rates for basic cable and equipment.

MOTION: Rake/Jernstedt to read **Ordinance No. 2015-712** by title only. Motion carried (7 Yes/0 No/0 Absent/0 Abstain).

Gowell read the title of the ordinance.

MOTION: Rake/Jernstedt to approve **Ordinance No. 2015-712** renewing the franchise for the operation of a cable system to Comcast of Oregon II, Inc. and superceding Ordinance No. 636 and all other ordinances in conflict with this ordinance, in the first reading and read by title only. Motion carried (7 Yes/0 No/0 Absent/0 Abstain).

3) Resolution No. 2015-213: Transfer of Contingency Funds for Capital Outlay Purchases for the MT 25i Walker Zero Turn Mower Equipment Purchase **8:11 PM**

Purchasing a zero turn mower and a trailer would allow public works to drive on the road around town and not damage the mower. The allocation of \$7,500 from the water and sewer contingency fund combines the public work funds/general fund. Finance Director Christy Martinez distributed a handout with the budget layout and numbers (see official meeting packet for full report).

MOTION: Rake/Rhoads to approve and authorize the Mayor to sign **Resolution No. 2015-213** monies from the water contingency fund of \$6,265.00 to water fund capital outlay and sewer contingency fund of \$6,264.00 to sewer fund capital outlay in order to purchase the MT25i Walker Zero Turn Mower from Keiser Outdoor Power for \$20,265.05 . Motion carried (7 Yes/0 No/0 Absent/0 Abstain).

4) Exchange Agreement – North Pine, LLC

9:00 PM

Olsen and Gowell presented the report and said the City is to complete an appraisal of the land in question, see if there is any value difference and pay the shortage. The agreement is similar to one with Ken Wright on Monroe Street (see official meeting packet for report submitted).

Ward-Mullen asked about street vacation and a definition. Olsen offered a description of the vacation of streets and how it is allotted. It was noted the appraisal of the property is difficult due to lack of interest.

MOTION: Rake/Jernstedt to approve the execution of the Exchange Agreement by the Mayor and direct staff to initiate a street vacation proceeding pursuant to ORS 271.130 that will result in public notice of the proposed street vacation and a public hearing before the City Council at the Council's September 14, 2015 meeting. Motion carried (7 Yes/0 No/0 Absent/0 Abstain).

5) Agreement with MWV-Council of Governments - IFA Construction Compliance

Olsen presented the staff report (see meeting packet).

MOTION: Ward-Mullen/Carl to approve an agreement with the Mid-Willamette Valley Council of Governments (MWVCOG) to provide administration services for the Safe Drinking Water Revolving Loan (SDWRL) for labor standard compliance. Motion carried (7 Yes/0 No/0 Absent/0 Abstain).

6) Intergovernmental Agreement with the City of St. Helens – Communication Services

Olsen presented the staff report (see meeting packet). Fiscal Year 2016 has budgeted for communication services to continue this activity; the first agreement extended services for a year and the second extends for an additional year.

MOTION: Rake/Rhoads to approve Amendment No. 2 to the Intergovernmental Agreement (IGA) with the City of St. Helens for communication services provided by their Communications Officer. Motion carried (7 Yes/0 No/0 Absent/0 Abstain).

7) Equipment Purchase – MT25i Walker Zero Turn Mower/Landscape Trailer

This agenda item was moved to 8.3 and included in the discussion of Resolution No. 2015-213 above.

8) Vehicle Purchase – Police Department Chevrolet Tahoe

9:02 PM

Chief Martinez presented the staff report (see official meeting packet). He found three quotes for a Chevy Tahoe for the Police Department fully outfitted for Police use. The lease will include a clause allowing the City give back the vehicle if they are not completely satisfied. Gowell added this is not an unsecured debt. The payment is spread out over three years with minimal interest. Martinez added the Crown Victoria will not be released with the addition of the Tahoe due to presence and visibility to public.

MOTION: Chitwood/Rake to approve and authorize the purchase of a new 2014 Chevrolet Tahoe to be facilitated by ERS, Emergency Responder Services, Inc. Motion carried (7 Yes/0 No/0 Absent/0 Abstain).

Staff presented the staff report (see meeting packet). Tapani, Inc had lowest bid for project.

MOTION: Rake/Rhoads to approve the City Engineer’s recommendation to authorize the award the bid contract to Tapani, Inc. for the 2015 Regional Solutions Waterlines project on Yamhill, Grant, Main & Monroe Streets including a construction contingency budget of ±5% of the bid total (ie. ±\$27, 400) to address unknown conditions or issues that may come to light during construction.. Motion carried (7 Yes/0 No/0 Absent/0 Abstain).

9. ADJOURNMENT

The meeting adjourned at 9:46 PM.

APPROVED by the City of Carlton City Council on this 14th day of September, 2015.

ATTEST:


Jennifer L. Nelson, City Recorder


Kathie Oriet, Mayor



City Council Special Session Minutes
JULY 7, 2015, 6:00 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 6:01 PM.

Members Present: Kathie Oriet, Mayor
Scott Chitwood
Gwen Jernstedt (arrived at 6:53 PM)

Brian Rake, Council President
Scott Carl
Shirley Ward-Mullen

Members Absent: Carey Rhoads

Staff Present: Chad Olsen, City Manager
Christy Martinez, Finance Director
Bryan Burnham, Public Works Director

Walt Gowell, City Attorney
Kevin Martinez, Chief of Police
Jennifer Nelson, City Recorder

Others: Joe Della Valle and Ken Wright

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

3. WATER RATE METHODOLOGY STUDY – DEB GALARDI

6:03 PM

Deb Galardi presented staff report on the water rate proposal and rate structure options including a PowerPoint (see official meeting packet). The current rate proposal includes the Infrastructure Finance Authority (IFA) related requirements, funding for debt service and reserves. Current vs. revised rates were reviewed for inside and outside city customers. The proposal includes a short term base rate that eliminates the minimum quantity, includes debt service and other fixed costs to maintain revenue stability and rates by meter size. Volume rates would be two-tiered with a lower cost for 1-5 centum cubic feet (ccf) or 100 cubic feet of water. Outside-City rates would have a consistent surcharge across all components and volume rates same as inside-City.

Galardi presented the rate structure transition options. Option 1 would be to eliminate quantity allowance and implement meter charge immediately with three additional options for a 50% outside-City surcharge implementation either immediately, in two years or three years (denoted as options 1a, 1b and 1c). Option 2 would eliminate the quantity allowance over two years and implement a meter charge immediately with a 3-year phase-in outside-City. Charts and graphs depicting the rate structures and phasing options were reviewed and the impacts to both inside and outside City customers were discussed. The implementation plan for revenue increase includes an 8.5% total revenue increase (including inflation) for fiscal year 2016 and an additional 8.5% increase in FY2017 to fund IFA debt service. Post FY2017 increases (above inflation) will be needed for other capital projects and reserves. The rate structure implementation plan would follow Council direction on the phase-in option and implement the first phase in the fall of 2015.

Oriet asked about providing an income-based option for those already struggling; staff replied to have a program

like that, funding would be needed which is generally provided by everyone else paying even more. It was mentioned voluntary donations can always be made to offer payment assistance to others having difficulty.

Olsen commented the least impact would come from options 1c or 2 which phases in outside-City increases over a couple of years. Discussions followed about the pros and cons of each of the various options to both inside and outside City customers and how education would need to be provided to explain the changes. Option 1c was the preferred recommendation; although it has a higher impact on inside-City users at first, the following year will have more benefits which will offset the increase. Rake mentioned his on utility bill will see about a \$3.50 increase per month at first with a total increase of \$7 for the year; the next year another \$4. Galardi pointed out the volume usage will be lower through the winter months with a more steady increase. Olsen requested the Council to make a motion or give a consensus regarding their preferred rate structure and implementation option and then staff will schedule a town hall meeting and have a public hearing for education with implementation in the fall after the dry season. The five Council members present (Oriet, Rake, Carl, Chitwood and Ward-Mullen) agreed by consensus to go with rate structure transition option 1c which eliminates the quantity allowance and implements a meter charge immediately with a 3-year phase-in implementation of a 50% surcharge to outside-City customers. Staff will now concentrate on what this will look like for a variety of users and give an update with public education itinerary at the next meeting

4. CHANGES TO THE AGENDA

6:52 PM

Olsen said Galardi would stay around to participate in the IFA discussion later in the meeting and suggested transitioning into the Urban Renewal Agency meeting scheduled for 6:45 PM after citizen comments are taken. An amendment to the 2013 Special City Allotment Agreement with the State or Oregon for the Monroe Street Project, the purchase request for a chemical feed system for the water system and possibly a construction and financing agreement between the City and its Urban Renewal Agency for the Monroe Street Project will be added to the agenda.

5. CITIZEN COMMENTS

6:54 PM

Joe Della Valle asked how the City's reservoir is holding up with the lack of rain and if there is an adequate water supply. Public Works Director Bryan Burnham replied the Panther Creek Reservoir was full last week although the City did experience a problem in the system resulting in a 500,000 gallon water loss in production which was gained back. In lieu of the drought conditions, Burnham will be advising entering into the odd/even lawn watering stage of the City's water curtailment plan, which they have not done in years. Burnham felt the system was in pretty good shape currently, but with the increase in housing and more irrigation systems working at night they are seeing a spike in usage. The public works director has the authority to implement the first two stages of water curtailment, stage 3 requires the city manager to approve and stages 4-5 must be approved by Council. Staff will prepare a notice.

6. ADJOURN TO CARLTON URBAN RENEWAL AGENCY MEETING

7:00 PM

7. RECONVENE CITY COUNCIL MEETING

7:16 PM

8. ANNOUNCEMENTS/REPORTS/PRESENTATIONS

1) National Night Out – Proclamation and Street Closure Permit

7:17 PM

Oriet read the National Night Out proclamation (see official meeting packet for full report).

MOTION: Rake/Jernstedt to approve the temporary closure of Kutch Street from Main Street to Madison Street and Monroe Street from Kutch Street to Pine Street on August 4, 2015 for the National Night Out event. Motion carried (6 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

2) Oregon Wine Country Half Marathon – Street Closure Permit

Olsen presented the staff report regarding the Oregon Wine Country Half-Marathon event hosted by Destination Races (see official meeting packet). Ken Wright offered some background on what the event does for the community and was present to answer any questions regarding the event or the street closure request. Clarifications were made with Police Chief Kevin Martinez and Olsen requested flyers be made to place on doors to ensure good customer communications and relations with the residents affected by the closures. Carl thought there may be more traffic this year with the event moving to a Saturday that is not on Labor Day weekend when people are usually out of town; he said they may see more concern from the community. It was agreed signs should be put up ahead of time as reminders.

MOTION: Ward-Mullen/Rake to approve the temporary closure of Pine Street from Main Street to Monroe Street from 12:00 PM on August 7, 2015 to 1:00 PM on August 8, 2015; Main Street between Pine Street and 1st Street from 6:00 PM on August 7th to 1:00 PM on August 8th; and Main Street from Pine Street to east of the city limits from 7:00 am to 1:00 PM on August 8th for the Oregon Wine County Half-Marathon event. Motion carried (6 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

9. CONSENT AGENDA

7:29 PM

1) Meeting Minutes

- **City Council Work Session Minutes: May 5, 2015**
- **City Council Regular Session Minutes: June 8, 2015**

2) Department Monthly Reports

3) Accounts Payable Report

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

10. ORDINANCE PRESENTATION, DISCUSSION & POTENTIAL ACTION ITEMS

7:30 PM

1) Ordinance 2015 – 708: Amending Titles 5 and 17 of the Carlton Municipal Code To Adopt Standards for Medical Marijuana Dispensaries (First Reading)

This item was deferred from the June 8, 2015 City Council meeting to the July City Council meeting for staff to make changes and return for approval in the first reading.

Gowell presented staff report and draft ordinance as approved by the Planning Commission at their June 15, 2015 meeting (see official meeting packet for full report). The Planning Commission recommended the ordinance for approval with the clarifying questions to Council asking staff to change the distinction between preschool and primary schools and taking out the 500 feet from a park requirement, which could be reinserted and brought back if Council desires. This ordinance can be approved in the first reading and set for a final reading next month. Gowell noted the governor signed some new State laws last week that impacts medical marijuana dispensaries and standards adopted by local municipalities, so there may be additional changes required.

Oriet asked for clarifications regarding the difference between preschools and kindergarten and public vs. private; particularly how it affects Yamhill Carlton Together Cares (YCTC) and their preschool program.

Ward-Mullen asked if medical marijuana facilities are being allowed to sell recreationally. Gowell replied they are for a temporary period of time until Oregon Liquor Control Commission (OLCC) licenses can be obtained.

Oriet asked about the removal of the park standard. Gowell replied it can be adopted as an amendment at the second reading if the City does not have industrial land within 1,000 feet of a park because they cannot create an ordinance that prohibits business by regulation. Olsen pointed out the industrial areas on a zoning map.

MOTION: Rake/Jernstedt to read **Ordinance No. 2015-708** by title only. Motion carried (6 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

Gowell read the title of the ordinance.

MOTION: Jernstedt/Rake to approve **Ordinance No. 2015-708** amending titles 5 and 17 of the Carlton Municipal Code to adopt development standards for medical marijuana dispensaries in the first reading, read by title only. Motion carried (6 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

2) Resolution 2015 – 210: Certifying the Eligibility of the City of Carlton to Receive State Revenue Shared Funds **7:46 PM**

Olsen presented report indicating the need to approve an additional resolution demonstrating the City's eligibility to receive State shared revenues because Yamhill County's population has now reached over 100,000 (see official meeting packet).

MOTION: Ward-Mullen/Jernstedt to approve and authorize the Mayor to sign **Resolution No. 2015-210** certifying the eligibility of the City of Carlton to receive state revenue shared funds. Motion carried (6 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

3) Resolution 2015 – 211: Authorizing a Loan From the Safe Drinking Water Revolving Loan Fund

Olsen presented staff report (see official meeting packet). He noted some changes would need to be made to the loan document and asked for the Council to approve the resolution and give the Mayor the authority to execute when those changes are made. Gowell clarified a motion could be made to authorize this agreement or anything substantially similar, but not substantively different relating to the first bond requirements from 2007 and future financing pledging water revenue to set up a reserve account for the new loan equal to one year payment. The Mayor would sign the agreement that is most beneficial to the City to preserve cash flow. Additional information is needed from the finance department and Deb Galardi regarding the rates.

MOTION: Ward-Mullen/Jernstedt to approve and authorize the Mayor to sign **Resolution No. 2015-211** authorizing a loan from the safe drinking water revolving loan fund by entering into a financing contract with the Oregon Infrastructure Finance Authority (IFA) including any changes substantially similar, but not substantively different, to the agreement presented to the Council at the July 7, 2015 meeting. Motion carried (6 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

4) Resolution 2015 – 212: Adopting Amended Water Rates for Carlton Water System 7:59 PM

MOTION: Rake/Carl to approve and authorize the Mayor to sign **Resolution No. 2015-212** adopting amended water rates for the City of Carlton water system. Motion carried (6 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

5) Agreement with the Carlton Urban Renewal Agency – Construction and Financing of Water Transmission Line 8:01 PM

MOTION: Jernstedt/Ward-Mullen to approve and authorize the Mayor to sign the Intergovernmental Agreement (IGA) with the Carlton Urban Renewal Agency (CURA) for construction and financing of the Carlton water transmission line. Motion carried (6 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

6) Meadow Lake Transmission Line Project Bid Results/Engineer's Recommendation 8:04 PM

Olsen handed out and presented the staff report (see meeting packet). Of the nine bid submittals, Trenchline Excavation Inc. had the lowest bid. The city engineer has worked with this company before and was pleased with their bid. Olsen requested approval to issue a notice of intent to award the bid to Trenchline Excavation, Inc. which will begin the seven day protest period. It was mentioned they do not have the IFA loan yet and are executing the contract while waiting for the loan documents to go through; Gowell said they have 30 days from bid opening to sign contracts to keep the bids so he felt they would be okay for timing.

MOTION: Rake/Jernstedt to accept the lowest bid from Trenchline Excavation, Inc. in the amount of \$1,212,000 authorizing the Mayor to sign a contract and for staff to issue a notice of intent. Motion carried (6 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

7) Exchange of Services Agreement – Best Pots, Inc.

8:11 PM

MOTION: Jernstedt/Ward-Mullen to approve and authorize the Mayor to sign an exchange for services agreement with Best Pots, Inc. Motion carried (6 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

**8) Land Use Planning Services Agreement – Mid-Willamette Valley Council of Governments
PM**

8:14

Olsen presented the staff report indicating planning services are still required from the MWVCOG in order to complete the lengthy process for the establishment of food cart standards, which is to be wrapping up in August with a planning hearing on August 3rd and a hearing before the Council on August 10th (see official meeting packet).

MOTION: Ward-Mullen/Jernstedt to approve and authorize the Mayor to sign a land use planning services agreement with the Mid-Willamette Valley Council of Governments (COG). Motion carried (5 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

9) 2013 Special City Allotment (SCA) Agreement Amendment - ODOT

8:16 PM

Olsen presented the staff report and handed out the amendment to extend a special city allotment agreement with the State of Oregon to receive \$50,000 for the Monroe Street project (see official meeting packet).

MOTION: Carl/Rake to approve and authorize the Mayor and City Manager to sign Amendment Number 01 to the 2013 Special City Allotment Agreement with the State of Oregon for the Monroe Street Project. Motion carried (5 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

10) Purchase of a Chemical Mix Tank with Mixer for the Water System

8:17 PM

Burnham handed out the staff report containing three quotes for the purchase of a chemical feed system tank needed to treat the iron and manganese in the City's drinking water system (see official meeting packet).

MOTION: Carl/Ward-Mullen to approve the purchase of a 100 gallon chemical mix tank and mixer for \$3,000 from the Buell Red Prairie Water District. Motion carried (5 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

11) Agreement with the Carlton Urban Renewal Agency – Construction and Financing of the Monroe Street Project

8:24 PM

Olsen handed out the second agreement approved by the CURA earlier this evening for the agency to contribute funds to the Monroe Street Project as well as a spreadsheet to show all contributions to the project (see official meeting packet).

MOTION: Rake/Jernstedt to approve and authorize the Mayor to sign the Intergovernmental Agreement (IGA) with the Carlton Urban Renewal Agency (CURA) for construction and financing of \$135,000 for the Monroe Street Project. Motion carried (6 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

11. ADJOURNMENT

The meeting adjourned at 8:39 PM.

APPROVED by the City of Carlton City Council on this 10th day of August, 2015.

ATTEST:



Jennifer L. Nelson, City Recorder



Kathie Oriet, Mayor

00 "EXHIBIT A"

PUBLIC HEARING

City of Carlton NOTICE OF PLANNING COMMISSION PUBLIC HEARING & NOTICE OF CITY COUNCIL PUBLIC HEARING

Legislative Amendment 15-02 NOTICE IS HEREBY GIVEN that the City of Carlton Planning Commission will hold a public hearing on Monday, May 18, 2015, at 7:00 p.m. at Carlton City Hall, 191 East Main Street, Carlton, Oregon regarding a Legislative Amendment to amend the Carlton Comprehensive Plan to update the Parks Development Plan.

The Planning Commission will consider the proposed amendments and make a recommendation to the Carlton City Council. The City Council then makes the final decision in the matter. A second public hearing is scheduled before the Carlton City Council to consider the proposed amendments. That public hearing is scheduled for Monday, June 8, 2015 at 7:00 P.M. in the Carlton City Hall, 191 East Main Street, Carlton, Oregon.

NATURE OF AMENDMENT: An ordinance amending titles 5 and 17 of the Carlton Municipal Code to adopt standards for medical marijuana dispensaries.

APPLICABLE CRITERIA: Carlton Code Title 17 and the Oregon Statewide Planning Goals

FILE NUMBER: LA 15-02

HOW TO PARTICIPATE: Anyone interested in commenting on this request may do so in person or by personal representative at the public hearing or in writing before the public hearing. Written comments may be submitted in advance of the public hearing addressed to: City Planner, Carlton City Hall, 191 East Main Street, Carlton, Oregon 97111. Documents, evidence and staff report (when available) are available for review at City Hall at no cost. Copies are available for the cost of copying. A staff report will be available seven (7) days before the public hearing.

The facility is ADA accessible. For further information or if you need any special accommodations to attend or participate in the hearing, please notify the City Recorder at least 24 hours before the hearing at (503) 852-7575.

NR Published May 5, 2015

News-Register

KEEPING YOU CONNECTED

611 NE Third Street • (503) 472-5114 • www.NewsRegister.com
PO Box 727

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 Notice May 18, 2015 Public Hearing - - May 5, 2015**
Subscribed and sworn before me this **5/12/2015** .

Connie Crafton

Eleanor P. Williams

Notary Public for Oregon
My Commission Expires 08/23/2015



City of Carlton
NOTICE OF PLANNING COMMISSION PUBLIC HEARING
&
NOTICE OF CITY COUNCIL PUBLIC HEARING
Legislative Amendment 15-02

NOTICE IS HEREBY GIVEN that the City of Carlton **Planning Commission** will hold a public hearing on **Monday, May 18, 2015, at 7:00 p.m.** at Carlton City Hall, 191 East Main Street, Carlton, Oregon regarding a Legislative Amendment to amend the Carlton Comprehensive Plan to update the Parks Development Plan.

The Planning Commission will consider the proposed amendments and make a recommendation to the Carlton City Council. The City Council then makes the final decision in the matter. A second public hearing is scheduled before the **Carlton City Council** to consider the proposed amendments. That public hearing is scheduled for **Monday, June 8, 2015 at 7:00 P.M.** in the Carlton City Hall, 191 East Main Street, Carlton, Oregon.

NATURE OF AMENDMENT: An ordinance amending titles 5 and 17 of the Carlton Municipal Code to adopt standards for medical marijuana dispensaries.

APPLICABLE CRITERIA: Carlton Code Title 17 and the Oregon Statewide Planning Goals

FILE NUMBER: LA 15-02

HOW TO PARTICIPATE: Anyone interested in commenting on this request may do so in person or by personal representative at the public hearing or in writing before the public hearing. Written comments may be submitted in advance of the public hearing addressed to: City Planner, Carlton City Hall, 191 East Main Street, Carlton, Oregon 97111. Documents, evidence and staff report (when available) are available for review at City Hall at no cost. Copies are available for the cost of copying. A staff report will be available seven (7) days before the public hearing.

The facility is ADA accessible. For further information or if you need any special accommodations to attend or participate in the hearing, please notify the City Recorder at least 24 hours before the hearing at (503) 852-7575.

191 E. Main Street
Carlton, OR 97111



Phone: (503) 852-7575
Fax: (503) 852-7761
www.ci.carlton.or.us

Please Post until 6/9/2015

PUBLIC HEARING NOTICE

The City of Carlton will conduct a public hearing to consider draft **Ordinance No. 2015-708** amending titles 5 and 17 of the Carlton Municipal Code to adopt standards for medical marijuana dispensaries.

The public hearing will be held by the Carlton City Council at 7:00 p.m. on **Monday, June 8, 2015** at the following location: Carlton City Hall, 191 E. Main Street, Carlton, OR 97111.

The purpose of the hearings are for the Carlton City Council to receive citizen testimony and receive written comments about the proposed amendments. Written comments are welcome and may be received by mail by 5:00 p.m. on Monday, June 8, 2015 or in person at the public hearing at 191 E. Main Street, Carlton, OR 97111, by fax (503) 852-7761 or via email. Both oral and written comments will be reviewed by the City Council.

More information about the proposed standards and a draft of **Ordinance No. 2015-708** are available for public viewing at City Hall during regular business hours and on the city's website (www.ci.carlton.or.us).

This facility is ADA accessible. If you need special accommodation please contact the City Recorder Jennifer Nelson at 503.852.7575 x111 or by email jnelson@ci.carlton.or.us at least 24 hours prior to this meeting.



City Council Regular Session Minutes
JUNE 8, 2015, 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 7:01 PM.

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

Members Absent: Carey Rhoads

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

Others: Karl Schroeder, Bob Graham, Dave Grooters and Joe Della Valle

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

3. CHANGES TO THE AGENDA

Olsen noted the amended agenda with additional handout items (see official meeting packet for full report).

4. PUBLIC HEARINGS

1) Resolution 2015-205: Declaring the City's Election to Receive State Revenues

Oriet opened the public hearing at 7:03 PM. Olsen presented the staff report (see official meeting packet). He indicated this agenda item is a required part of the process to receive State revenue sharing funds by stating the intended use of the money. State revenues are proposed to be allocated into the street fund for use. Oriet opened for public comment; none appeared. Oriet closed public comments and the public hearing.

2) Resolution 2015-206: Adopting the City Budget, Making Appropriations and Categorizing the Tax

Oriet opened the public hearing at 7:06 PM. Olsen presented the staff report and approved budget for the fiscal year 2015-16 with \$10,028,821 in total appropriations for FY15 (see official meeting packet). Oriet opened for public comment; none appeared. Oriet closed public comments and the public hearing.

3) Resolution 2015-199: Adopting a Temporary Moratorium on Establishment of Food Carts within the City of Carlton

This item was heard out of agenda order. Oriet opened the public hearing at 7:08 PM. City Attorney Walt Gowell presented the staff report, reviewing and summarizing the key points of the resolution and 120 day limitation on the moratorium (see official meeting packet). Oriet opened for public comment.

Dave Grooters said he was all for making sure proper health and food safety regulations were in place, but he added that food carts were a good addition to the town and felt we should coexist. Grooters said some restaurants may feel there is competition, but pointed out Portland is known for its food carts.

Oriet closed the public hearing at 7:13 PM. No other citizens present wished to comment.

4) Ordinance 2015-708: Amending Titles 5 and 17 of the Carlton Municipal Code To Adopt Standards for Medical Marijuana Dispensaries

Oriet opened the public hearing at 7:14 PM. Staff noted this is a land-use hearing and requires hearing appropriate procedures. Gowell presented the staff report and the ordinance as approved and recommended by the Planning Commission (see official meeting packet). Gowell mentioned there were certain questions the Planning Commission wished to have addressed along with their recommendation to Council as well. He reviewed their concerns regarding the 1,000 foot buffer between dispensaries and public schools, which are defined under State statutes as a public education facility compromised of minors elementary level and above. He clarified these standards are specifically for medical marijuana dispensaries, not recreational ones since the Oregon Liquor Control Commission (OLCC) is still working on that. This 1,000 feet does not apply to daycare or babysitting locations, or schools with less than 15 students at the pre-elementary level. If the pre-elementary school has 15 or more students then statutes determined 500 feet to be sufficient. The Planning Commission questioned if both could be 1,000 feet. Gowell said Council could adopt the ordinance and increase the 500 feet to 1,000 feet or eliminate that limitation on pre-elementary schools.

Gowell continued with the second concern regarding conditional use criteria which adopts a separate set of criteria for medical marijuana dispensaries; the planner may have misunderstood this and interpreted this to mean the criteria is in addition to normal. The intent was for the conditional use criteria to be instead of the normal conditional use criteria which takes something not normally permitted if the neighbors do not object. The impact on neighborhoods is not addressed; the purpose is to provide conditional use criteria following the legislature's criteria. He read the regulations under section 6.

Oriet called for any abstentions, biases, ex parte contact or objections to jurisdiction. Oriet opened for public comment by calling forth any proponents.

Bob Graham, Planning Commission Chair, clarified concerns for the educational perimeters by stating the 1,000 feet should include preschools as well as older schools since the children ages 3-5 are in more danger than the older kids would be.

Oriet asked if the Council had any questions for the proponent; none appeared. Oriet called for opponents; none appeared. Since no public agencies were present to report, there were no rebuttals. Staff offered the Council options and recommendations. Oriet closed the public hearing at 7:26 PM.

Oriet agreed with Graham that the 1,000 feet requirement should apply to all schools because it would be clearer and easier to enforce one standard rather than two. She did not agree with the less the 15 students stipulation either and said all children should be protected.

Jernstedt spoke of the locations of commercial or industrial businesses and the closeness of Upper Park. It was determined to move the language into section 6 and combine the preschool into statutory public education as a second element in that category so one addresses City parks and the other schools.

Staff was directed to postpone further deliberations until July and to come back with the changes made.

5. CITIZEN COMMENTS

7:31 PM

Joe Della Valle asked for an update on the truck or transportation committee meeting. Olsen said they met with, but not final resolutions have been reached. A date will be set for the next meeting.

6. ANNOUNCEMENTS/REPORTS/PRESENTATIONS

7:32 PM

1) Fun Days - Request for Beer Garden in Upper Park – Mike Larson, Carlton Corners

Olsen presented the staff report and reviewed the concessionaire's agreement signed by Mike Larson of Carlton Corners to use their liquor license to secure a special event permit (see official meeting packet). The agreement is just like last year, the only change besides the dates is to include a 5% license fee to City of the gross sales to recoup City costs. It was decided that any events sponsored as fundraisers for a 501c3 group, like the Carlton Community Foundation, will have the fee set low. But, since they do not want to encourage the use of City property for private events with a liquor license, all other groups would have to pay a 25% fee. The fees are to cover the costs or breakdown, trash collection, layout design, time and a certificate of insurance. Staff requested approval with authorization given to the city manager to negotiate the agreement.

Carl asked about the procedure on the street closure permit and if there was enough time given with only three days notice to the surrounding homes. Oriet clarified there was more than a three day notice given with only three homes not available from last year and a post card was given.

Olsen added the facilitation of the motion and approval would be turned over to the council president for the concessionaire's agreement since the Mayor serves on the board for the Carlton Community Foundation. Oriet would also be abstaining from voting for this reason.

MOTION: Jernstedt/Ward-Mullen to authorize the city manager to pursue a concessionaire's agreement for the upcoming Carlton Fun Days event on June 26-27, 2015. Motion carried (5 Yes/0 No/1 Absent [Rhoads]/1 Abstain [Oriet]).

2) Fun Days - Petition for Temporary Closure of Grant Street: Yamhill to Park Street

Olsen presented the staff report stating it was the same as last year, closing Grant Street from 3:00 PM on June 26, 2015 to 11:00 PM on June 27, 2015 (see official meeting packet for full report). Chitwood clarified the amended agenda stated it would be closed from Yamhill to Kutch Street, but it should be from Yamhill to Park Street. The amendment was noted.

Oriet would also abstain from voting for the same reasons above. Rake facilitated the motion and vote.

MOTION: Ward-Mullen/Carl to approve a temporary street closure of Grant Street from Yamhill to Park Street from 3:00 PM on June 26, 2015 to 11:00 PM on June 27, 2015 for the Carlton Fun Days event. Motion carried (5 Yes/0 No/1 Absent [Rhoads]/1 Abstain [Oriet]).

7. CONSENT AGENDA

7:42 PM

1) Meeting Minutes

- City Council Work Session Minutes: May 5, 2015
- City Council Work Session Minutes: May 11, 2015
- City Council Regular Session Minutes: May 11, 2015

2) Department Monthly Reports

3) Accounts Payable Report

Ward-Mullen wished to have statements clarified on the May 5, 2015 work session minutes, so they were pulled from the consent agenda for further review by the city recorder.

MOTION: Jernstedt/Chitwood to approve the consent agenda as submitted with the removal of the May 5, 2015 City Council Work Session Minutes. Motion carried (6 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

8. ORDINANCE PRESENTATION, DISCUSSION & POTENTIAL ACTION ITEMS

7:45 PM

1) Ordinance 2015 – 708: Amending Titles 5 and 17 of the Carlton Municipal Code To Adopt Standards for Medical Marijuana Dispensaries

This item was deferred to the July City Council meeting for staff to make changes and return for approval in the first reading.

2) Resolution 2015 - 199: Adopting a Temporary Moratorium on Establishment of Food Carts within the City of Carlton

Ward-Mullen asked for clarification of the 120 day limitation for the moratorium and asked if the standards are not complete, then could it be extended. Gowell replied it can be extended for additional findings and the effective date begins on the date of the Mayor's signature.

MOTION: Jernstedt/Rake to approve and authorize the Mayor to sign Resolution No. 2015-199 adopting a temporary moratorium on the establishment of food carts within the City of Carlton, read by title only. Motion carried (6 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

3) Resolution 2015 - 205: Declaring the City's Election to Receive State Revenues

MOTION: Rake/Jernstedt to approve and authorize the Mayor to sign Resolution No. 2015-205 declaring the City's election to receive State revenues in the fiscal year 2016, read by title only. Motion carried (6 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

4) Resolution 2015 - 206: Adopting the Fiscal Year 2015-2016 Budget

MOTION: Carl/Chitwood to approve and authorize the Mayor to sign Resolution No. 2015-206 adopting the budget for fiscal year 2015-2016, making appropriations and categorizing the tax, read by title only. Motion carried (6 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

5) Resolution No. 2015-208 – Approving the Canvass of City Election Results for the May 19, 2015 Special District General Election

Gowell read the resolution title stating of the 597 ballots cast from 1154 registered voters; 346 voted yes and 247 voted nay on Measure 36-174 of the May 19, 2015 Special District General Election (see official packet).

MOTION: Ward-Mullen/Rake to approve and authorize the Mayor to sign Resolution No. 2015-208 approving the canvass of City election results for the May 19, 2015 Special District General Election and spreading such results onto the official records of the City of Carlton, read by title only. Motion carried (6 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

6) Resolution 2015 - 207: Authorizing the Issuance and Sale of General Obligation Bonds In the Aggregate Principal Amount not to Exceed \$975,000

Gowell presented the staff report (see official meeting packet).

MOTION: Carl/Chitwood to approve and authorize the Mayor to sign Resolution No. 2015-207 authorizing the issuance and sale of general obligation bonds not to exceed \$975,000; designating an authorized representative, bond counsel and financial advisor, and all related and required actions, read by title only. Motion carried (6 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

7) Resolution No. 2015-209 – Assisted Housing Programs

7:54 PM

Olsen presented the staff report explaining this item as a last minute housekeeping requirement to close out paperwork related to the Community Development Block Grant (CDBG) received for the City to complete their Water Master Plan update (see official meeting packet).

MOTION: Carl/Rake to approve and authorize the Mayor to sign Resolution No. 2015-209 stating the Carlton City Council encourages government assisted housing for lower, middle and fixed income persons, read by title only. Motion carried (6 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

8) Engage Wedbush Securities, Inc. to Provide Financial Consulting Services in Connection With the Issuance and Sale of General Obligation Bonds for the Pool Development Project

7:57 PM

Olsen presented the staff report stating the City has engaged with Wedbush Securities, Inc. in past for financial consulting services anticipating the need for general obligation bonds related to the pool project (see meeting packet). With the approval of Resolution No. 2015-207 authorizing the issuance and sale of the bonds, Wedbush can provide those financial services required under the scope of their original contract for approximately \$25,000. Staff is comfortable with the scope of work and fee for these services.

Ward-Mullen asked if the contract was already approved. Gowell clarified it was approved to engage Wedbush, but not at a specific financial level; this authorizes the city manager to sign the letter approving their provision of financial services for the general obligation bond for \$25,000 under their original scope.

MOTION: Rake/Chitwood to approve and authorize the city manager to sign the letter engaging Wedbush Securities, Inc. to provide financial services in connection with the issuance and sale of general obligation bonds for the pool development project in the amount of \$25,000 Motion carried (5 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

9) Personal Services Agreement – Parks System Development Charges Methodology Report Update - Galardi Rothstein Group 8:04 PM

Olsen presented the staff report and recommended approval of a personal services agreement with Galardi Rothstein Group to update the parks system development charges (see meeting packet).

MOTION: Carl/Rake to approve and authorize the Mayor to sign a personal services agreement with Galardi Rothstein Group to update the parks system development charges methodology report. Motion carried (6 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

10) Personal Services Agreement – Architectural Services Proposal – Robertson Sherwood Architects – Municipal Pool Development Project

Olsen presented the staff report indicating Carl Sherwood asked the City to amend the scope and fee for the balance of the work required for the pool project (see meeting packet). The expanded work for all the construction documents increased from \$41,000 to \$91,000. The estimated cost to complete bidding and construction administration is an additional \$53,700. The entire fee for all design, construction documents, bidding and construction administration is \$144,700. Based on the most recent project cost estimate in April 2015 the fee for all design and construction services through the project completion is estimated to be 12%, which is still an acceptable percentage as part of the total project cost.

MOTION: Ward-Mullen/Jernstedt to approve and authorize the Mayor to sign an amended personal services agreement with Robertson Sherwood Architects to add final design/construction documents and bidding and construction period services to their scope of work approved by the City Council at their February 9, 2015 regular meeting as recommended by the city manager. Motion carried (6 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

11) Monroe Street and Water Improvement Project – Recommendation to Award; Haworth Inc. 8:13 PM

Olsen presented the staff report and noted a replacement for page 89 was handed out since the numbers were cut off for the grand totals on the bid tabulations table (see meeting packet).

MOTION: Carl/Jernstedt to authorize City staff to conditionally award a contract for all bid items to Haworth Inc. as the lowest bidder and instruct a notice of intent to be sent to all bidders; and if there is no protest the Mayor is authorized to execute the contract with Haworth Inc. in the amount of \$616,504; and approve a construction contingency budget of ±5% of the b9d total (i.e. ±30,000) to address unknown conditions or issues that may come to light during construction and to cover stipulated prices involved with the sewer construction. Motion carried (6 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

9. ADJOURNMENT

The meeting adjourned at 8:36 PM.

APPROVED by the City of Carlton City Council on this 7th day of July, 2015.

ATTEST:



Jennifer L. Nelson, City Recorder



Kathie Oriet, Mayor

**CITY OF CARLTON
CITY COUNCIL**

STAFF REPORT: Legislative Amendment (LA) 2015-01
MEETING DATE: June 1, 2015

REQUEST: An ordinance amending titles 5 and 17 of the Carlton Municipal Code to adopt standards for medical marijuana dispensaries.

CRITERIA: Carlton Comprehensive Plan

EXHIBITS: A. Draft Ordinance 2015-708

ACRONYMS: CDC – Carlton Development Code
MMD - Medical Marijuana Dispensary

I. PROPOSAL

To adopt Ordinance 2015-708 amending titles 5 and 17 of the Carlton Municipal Code to adopt development standards for Medical Marijuana Dispensaries (MMD).

The draft Ordinance 2015-708 (Version: May 28, 2015) included as Exhibit A was developed by the City Attorney and amends Chapters 5 and 17 of the Carlton Code as follows: .

- The draft Ordinance amends Title 17 (Carlton Development Code) by defining terms for activity associated with MMDs, and allowing MMDs as a conditional use in the Commercial Business, Commercial Industrial, and General Industrial zones, provided they meet criteria specific to MMDs and the general criteria that applies to all conditional use permits.
- The draft Ordinance 2015-708 also amends Title 5 (Carlton Municipal Code) to include definitions for terms that are associated with MMDs, establish standards for their operation, standards for obtaining a business license, establishes penalties for violation of the Code.

Proposed Ordinance 2015-708 will add the following criteria, specific to MMD uses, in Title 17 of the Carlton Development Code:

“17.152.035 Criteria for Approval of Medical Marijuana Dispensary

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 subject lot is not within five hundred feet of the nearest city park or pre-school serving more than an average of 15 children at any one time on a regular basis;
4. The lot is not within one thousand feet of any lot upon which there is located an educational institution primarily attended by minors;

5. The lot is not within one thousand feet of any lot upon which there is located another marijuana dispensary business;
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, as defined in this chapter, shall have operating hours earlier than eight a.m. or later than eight p.m. of the same day;
8. Cultivation or infusion of medical marijuana at the site of the dispensary 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.

The following evaluation criteria that applies to conditional use permits that is currently in the Carlton Development Code will also apply to the specific use standards for MMDs¹:

17.152.030 - Criteria for approval.

Conditional use permits shall be approved if the applicant provides evidence substantiating that all the requirements of this title relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria:

A. The use is listed as a conditional use in the underlying district or the approval body finds that the use is similar to a conditional use listed in the underlying district.

B. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations.

C. All required public facilities, including water, sanitary sewer, and streets, have adequate capacity or are to be improved to serve the proposal, consistent with City standards.

D. The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district.

E. The negative impacts of the proposed use, if any, on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval.

¹ No revisions are proposed to Code Section 17.152.030. This section is included for background information and reference only.

II. PROCEDURE

Text Amendments to the Development Code (Title 17) are processed as Type IV procedures. Type IV procedures are conducted as stated in CDC17.144.050. The procedures for Type IV actions are included in CDC 17.212.020. There are no criteria in the CDC for the review of Type IV actions, however the amendments proposed will be reviewed for consistency with all relevant State and City Planning Goals.

Notice of the Planning Commission Hearing and City Council Hearing was published in the McMinnville News-Register on May 5, 2015. Notice of the proposed amendments and public hearing dates was sent to the Oregon Department of Land Conservation and Development on April 1, 2015 as required by city and state law.

Comprehensive Plan amendments and zone change applications are not subject to the 120-day requirement for a local land use decision.

III. CRITERIA & FINDINGS

A. Statewide Planning Goals - relevant goals

Goal 1, Citizen Involvement, requires the provision of opportunities for citizens to be involved in all phases of the planning process.

Finding 1: The City Council initiated the potential development code amendment at a public meeting on February 26, 2015. The Planning Commission, after proper notice, conducted a public hearing on May 18, 2015 and forwarded a recommendation of approval with questions for the Council's consideration at their June 8, meeting. The City Council will consider the recommendation of the Planning Commission at their June 8, 2015, as advertised, to decide whether or not to adopt the development code amendment. The development code amendment process utilized has provided opportunity for public comments throughout the planning process.

Goal 2, Land Use Planning, requires the development of a process and policy framework that acts as a basis for all land use decisions.

Finding 2: The Medical Marijuana Dispensary proposal is supportive of this goal because it was developed following city procedures for legislative action.

B. Carlton Planning Goals

CP Citizen Involvement Goal 1: To maintain a Citizen Involvement Plan that ensures the opportunity for citizens to be involved in all phases of the planning process.

Finding 3: The City Council initiated the potential development code amendment at a public meeting on February 26, 2015. The Planning Commission, after proper notice, conducted a public hearing on May 18, 2015 and forwarded a recommendation of approval with questions for the Council's consideration at their June 8, meeting. The City Council will consider the recommendation of the Planning Commission at their June 8, 2015, as advertised, to decide whether or not to adopt the development code amendment. The development code amendment process utilized has provided opportunity for public comments throughout the planning process.

CP Land Use Goal 1. To maintain a land use planning process and policy framework as a basis for all decisions and actions related to the use of the land and to assure an adequate factual base for such decisions and actions.

Finding 4: The Medical Marijuana Dispensary proposal is supportive of this goal because it was developed following city procedures for legislative action.

CP Economic Goal 1. To provide for the needs of existing industries, encourage desired economic growth, develop a stable community-based economy, and provide for greater employment opportunities for Carlton's citizens.

Finding 5: The city encourages new businesses to develop within the city. A medical marijuana dispensary is a legal business under State law, and there could be local demand for medical marijuana dispensaries. Allowing medical marijuana dispensaries in the Commercial Business, Commercial Industrial, and General Industrial zones with appropriate buffer zones from pre-schools and parks, is consistent with this Comprehensive Plan goal.

IV. CONCLUSIONS AND RECOMMENDATIONS

The Carlton Planning Commission held a public hearing concerning the proposed amendments at their meeting on May 18, 2015. The Planning Commission had several questions about the source of the criteria in the proposed ordinance that staff attending the meeting could not answer. The Planning Commission voted unanimously to forward a recommendation of APPROVAL of Ordinance 2015-708 to the City Council based upon the findings in the staff report with the following questions for City Council clarification and consideration:

- Question 1: Is it possible to combine criteria proposed for CDC 17.152.034(3) and (4) into one statement so that a 1,000' buffer is also required for preschools (instead of 500')? Does the definition of "educational institution" as used in subsection (4) include preschools?
- Question 2: With regard to CDC 17.152.034(3): Why does the buffer for parks and preschools apply to ones that serve "more than an average of 15 children at any one time on a regular basis" and not to parks and preschools that serve less than 15 children?

V. CITY COUNCIL ACTION ALTERNATIVES

- A. **APPROVE** the Ordinance 2015-708 based upon the findings proposed in the LA 2015-01 Staff Report to the Planning Commission.
- B. **DENY** the Ordinance 2015-708, stating how the proposal is not consistent with existing State and City Planning Goals.
- C. Continue the hearing to a time certain or indefinitely.



ORDINANCE NO. 2015-708

AN ORDINANCE AMENDING TITLES 5 AND 17 OF THE CARLTON MUNICIPAL CODE TO ADOPT STANDARDS FOR MEDICAL MARIJUANA DISPENSARIES

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

WHEREAS, the City Council has previously considered and rejected adoption of a moratorium on the establishment of medical marijuana dispensaries within the City of Carlton; and

WHEREAS, the moratoriums previously enacted by many Oregon cities will terminate in accordance with state law on May 1, 2015; and

WHEREAS, the City Council is authorized by 2014 Oregon Senate Bill 1531 approved by the Oregon Legislature on March 7, 2014, to adopt reasonable time place and manner regulations on the establishment and operation of medical marijuana dispensaries 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 5.40 entitled “Medical Marijuana Dispensaries: to read as follows:

**“Chapter 5.40
MEDICAL MARIJUANA DISPENSARIES**

Sections:

[5.40.010](#) Purpose.

[5.40.020](#) Definitions.

[5.40.030](#) Regulations for medical marijuana dispensary.

5.40.010 Purpose.

It is recognized that the presence of marijuana dispensaries 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 dispensaries 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 marijuana dispensaries, 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. “Medical marijuana” means all parts of the genus cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patient’s debilitating medical condition or symptoms associated with the patient’s debilitating medical condition.
- B. “Cultivation” means a location where marijuana is produced or cultivated for use by a medical marijuana qualifying patient including within a building, structure or premises used for the cultivation or storage of medical marijuana that is physically separate and off site from a medical marijuana dispensary.
- C. “Medical marijuana dispensary” means a medical marijuana facility registered by the Oregon Health Authority under ORS [475.300](#) to [475.346](#) and that sells, distributes, transmits, gives, dispenses or otherwise provides medical marijuana to qualifying patients.
- D. “Infusion” means a facility or business that incorporates medical marijuana (cannabis) by means of cooking, blending, or incorporation into consumable/edible goods.
- E. “Medical marijuana qualifying patient” means a registry identification cardholder (person who has been diagnosed by a physician as having a debilitating medical condition) as further defined by ORS [475.302](#)(3) or the designated primary caregiver of the cardholder as defined by ORS [475.302](#)(5).

5.40.030 Regulations for medical marijuana dispensary.

- A. Medical marijuana dispensary 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 registered under the state of Oregon’s medical marijuana facility registration system under ORS [475.300](#) through [475.346](#);
 - 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 subject lot is not within five hundred feet of the nearest city park or pre-school serving more than an average of 15 children at any one time on a regular basis;
 6. The lot is not within one thousand feet of any lot upon which there is located an educational institution primarily attended by minors;
 7. The lot is not within one thousand feet of any lot upon which there is located another marijuana dispensary business;
 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 marijuana dispensary 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 or infusion of medical marijuana at the site of the dispensary 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 medical marijuana dispensary 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 registration of the proposed dispensary.
 2. The location of the proposed medical marijuana dispensary 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.

5.40.040 – 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 5.04.040.”

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:

“Medical marijuana” means all parts of the genus cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patient’s debilitating medical condition or symptoms associated with the patient’s debilitating medical condition.

“Cultivation” means a location where marijuana is produced or cultivated for use by a medical marijuana qualifying patient including within a building, structure or premises used for the cultivation or storage of medical marijuana that is physically separate and off site from a medical marijuana dispensary.

“Medical marijuana dispensary” means a medical marijuana facility registered by the Oregon Health Authority under ORS [475.300](#) to [475.346](#) and that sells, distributes, transmits, gives, dispenses or otherwise provides medical marijuana to qualifying patients.

“Infusion” means a facility or business that incorporates medical marijuana (cannabis) by means of cooking, blending, or incorporation into consumable/edible goods.

“Medical marijuana qualifying patient” means a registry identification cardholder (person who has been diagnosed by a physician as having a debilitating medical condition) as further defined by ORS [475.302](#)(3) or the designated primary caregiver of the cardholder as defined by ORS [475.302](#)(5).

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:

“U. Medical Marijuana Dispensary 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:

“Medical marijuana dispensary 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:

“F. Medical marijuana dispensary 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” to read as follows:

“17.152.035 Criteria for Approval of Medical Marijuana Dispensary

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 subject lot is not within five hundred feet of the nearest city park or pre-school serving more than an average of 15 children at any one time on a regular basis;
4. The lot is not within one thousand feet of any lot upon which there is located an educational institution primarily attended by minors;
5. The lot is not within one thousand feet of any lot upon which there is located another marijuana dispensary business;
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, as defined in this chapter, shall have operating hours earlier than eight a.m. or later than eight p.m. of the same day;
8. Cultivation or infusion of medical marijuana at the site of the dispensary 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. Effective date. This ordinance shall be in full force and effect upon the thirtieth (30th) day after its passage by the Council and approval by the Mayor.

ADOPTED by the City Council on this _____ day of _____, 2015, by the following votes:

AYES: **NAYES:** **ABSENT:** **ABSTAIN:**

APPROVED and signed by the Mayor this _____ day of _____, 2015.

Kathie Oriet, Mayor

ATTEST: _____
Jennifer L. Nelson, Acting City Recorder



Planning Commission Meeting Minutes
MAY 18, 2015, 7:00 PM
Carlton City Hall, Council Chambers (191 E. Main Street)

1. CALL MEETING TO ORDER & ROLL CALL

Vice- Chair Bob Graham called the meeting to order at 7:00 PM.

Members Present: Bob Graham, Council Chair
Kevin Herwick, Vice-Chair
Steve Lowry

Dust Bailey
Karl Schroeder

Members Absent: Rob Varuska (excused)

Jeff Lorton (excused)

Staff Present: Chad Olsen, City Manager
Jennifer Nelson, Acting City Recorder

Aneta Synan, City Planner
Traci Clevenger, Office Specialist

2. OATHS OF OFFICE – KARL SCHROEDER AND STEVE LOWRY

Acting City Recorder Jennifer Nelson administered the oaths of office for Karl Schroeder and Steve Lowry. Kevin Herwick and Dust Baily noted they did not recall receiving their oaths previously; Nelson said she would look into the records and administer their oaths at the next meeting if needed.

3. ELECTION OF CHAIR AND VICE-CHAIR

MOTION: Bailey/Lowry to elect Bob Graham as Chair of the Planning Commission. Motion carried (5 Yes/0 No/2 Absent [Lorton, Varuska]/0 Abstain).

MOTION: Bailey/Graham to elect Kevin Herwick as Vice-Chair of the Planning Commission. Motion carried (5 Yes/0 No/2 Absent [Lorton, Varuska]/0 Abstain).

4. APPROVAL OF MINUTES - FEBRUARY 2, 2015 AND APRIL 6, 2015

Graham mentioned the April 6, 2015 meeting was canceled due to lack of a quorum. Graham assumed the motion to approve the meeting minutes from February 2, 2015 and April 6, 2015 as submitted. The motion carried by unanimous consent.

5. CITIZEN COMMENTS – None appeared.

6. PUBLIC HEARINGS

1) Medical Marijuana Dispensaries (LA 15-02)

7:10 PM

City Planner Aneta Synan begins the public hearing on standards for medical marijuana dispensaries (MMD) in the Carlton city limits opened at 7:10 PM by reading the State required legislative hearing announcements. Synan presented the staff report and proposed Ordinance No. 2015-708 developed by the city attorney (see official meeting packet for full report). The proposed ordinance allows medical marijuana dispensaries within three zones:

Commercial Business, Commercial Industrial or General Industrial and subject to special use criteria. In addition to special use criteria, uses will be subject to a conditional use permit process which involves an additional set of criteria included in the staff report. If applicants can demonstrate they meet the specific criteria for a MMD, then they bring their application to staff first which goes to public hearing before the Planning Commission to determine whether the criteria have been met and make a decision. Synan continues by reviewing background information from the April 6th meeting packet from Oregon City's history of the State law. If a recommendation for approval is made tonight, this will go before the City Council on June 8, 2015 for the final decision. Synan presented five findings for approval and concluded the staff report.

No citizens appeared to make public comments.

Commissioner Karl Schroeder asked about the lot requirement to not be within 500 feet of the nearest city park or pre-school serving more than 15 children and if it includes places like Ken Wright's new soccer park area. Olsen replied the soccer park is on private property and not considered a city park or daycare facility.

Graham asked about the difference between pre-school and secondary school, the 15 child minimum and why the 1,000 feet is not required for both types of schools. Staff replied the ordinance is following what has been established by State regulations. Graham also asked if a business license is required from the City of Carlton. Synan replied it is included in the ordinance; she added that she is only addressing the amendments related to Title 17 because those are the only amendments subject to the land use review. The amendments made to title 5 or other sections of the municipal code is outside of the development code and do not need a finding of compliance with comprehensive planning goals because they are not land use amendments. Olsen confirmed all medical marijuana dispensaries would be required to obtain a business license according to section B of the ordinance.

Commissioner Steve Lowry wanted to ensure MMD businesses are reviewed by a public hearing and approval before planning commission. Olsen said MMDs are already permitted by State law and we are only creating ordinances to ensure safety and compliance.

Graham suggested combining number 5 and 6 of section A. Discussions followed about whether a pre-school is an educational institution or not. They agreed to clarify the definition with the city attorney and question if it is feasible to combine the two statements. The commission also wished to ask the city attorney why there is a 15 child minimum requirement for a city park and if it can be removed. Graham added the 500 feet limitation should be extended to 1,000 feet.

The public hearing closed.

MOTION: Herwick/Schroeder to recommend to the City Council to approve Ordinance No. 2015-708 based upon the findings proposed in the LA 2015-01 staff report pending two questions to be reviewed by the City Attorney. Motion carried (5 Yes/0 No/2 Absent [Lorton, Varuska]/0 Abstain).

7. WORK SESSION – FOOD CARTS

7:36 PM

Graham and Olsen reviewed the background on food carts in Carlton and how there were not any ordinances in place when these types of businesses started to arrive in Carlton. They discussed the initial reactions of the public when the City initiated a design standard process. Graham said the two big issues were the length of time for a food cart license (at the time the regulations were 180 days) and the renewal of business licenses. Graham felt the length of time should be one year. Olsen remembered the license duration being a big issue, whether 6 months or one year; but, the bigger issue was if it would be an automatic renewal or does it have to go through the design review process.

A main area of focus was the food cart area and surface (paved vs. gravel). Previous staff reports were reviewed (see official meeting packet for full report). Graham thought if there were no issues, then licenses should be renewed. Synan referred to the Oregon Health Department information and how they define different food carts with a table included on page 18 (see meeting packet). Synan suggested items to be considered: use of considerations, locations, review process, number of carts per lot, length of time limitations (days/hours of operation), utilities, signage (temporary vs. permanent), design standards, and permanent power connections (current code says all utilities must be underground). Discussions followed regarding the Thai food cart with a temporary above ground power connection and Henry's Diner being connected to a pre-existing power connection.

Exemptions for Carlton Fun Days and temporary food carts were discussed as well as other vendors serving for less than 48 hours or less than 3 consecutive days. Olsen explained code needs to be in place for temporary use food carts and the difference between the permanent buildings, which must pay system development charges (SDCs) and the food carts that do not, even though they both impact the City with pedestrian and vehicle transportation. Synan referred to some code from the City of Gresham (see meeting packet). She mentioned the shaded sections may be problematic and the need to define "Food and Beverage Cart", "Drive thru facilities", "Restaurant", and "Enclosed Structure". Graham mentioned the definition of "Restaurant" doesn't need to say "A restaurant may or may not include fast food services". Other commissioners agreed the sentence about fast food does not need to be included. Synan reviewed code provided in the packet including the additions and changes she has suggested.

Significant discussion regarding onsite seating, onsite parking, and public restrooms occurred and how each item relates to the other. It was decided to allow onsite seating and parking up to 4-5 tables and 1 parking space for every table with minimum parking for employees. Regarding signage for food carts, suggestion were made to confine the sign to the cart itself and a fold up sign that can be brought inside when closed. No permanent signs in the ground would be permitted. Discussions on external electric service followed and it was decided to change language in item C to read "If external electric service is necessary, an underground electric service outlet providing electricity to the unit MUST be used." Discussions followed regarding public restrooms with a suggestion to provide public restrooms only if there is onsite seating. Staff recommended researching the requirements from the Oregon Public Health Division. It was mentioned agreements could be used to allow nearby business facilities. All agreed to eliminate the allowance of drive-through food carts.

Synan mentioned further topics for discussion of outdoor lighting, length of food carts, spacing of food carts or total number of food carts allowed in an area, as additional items that might need to be reviewed at future work session. Kevin mentions maybe stating "X" number of food carts per lot or site. Olsen spoke about the lack of SDCs for food carts. Synan explained the City of Gresham applies Transportation and Parks SDCs and the City of Corvallis charges a flat rate 'facility fee' for food carts. Olsen said "temporary" must be defined in order to determine proper SDCs.

8. ADJOURNMENT

The meeting adjourned at 9:45 PM.

APPROVED by the City of Carlton Planning Commission on this 15th day of June, 2015.

ATTEST:


Jennifer L. Nelson, City Recorder


Bob Graham, Chair

**CITY OF CARLTON
PLANNING COMMISSION**

STAFF REPORT: LA 2015-01
MEETING DATE: May 18, 2015

REQUEST: An ordinance amending titles 5 and 17 of the Carlton Municipal Code to adopt standards for medical marijuana dispensaries.

CRITERIA: Carlton Comprehensive Plan

ATTACHMENTS: EXHIBIT A - Draft Ordinance 2015-708

ACRONYMS: CDC – Carlton Development Code
MMD - Medical Marijuana Dispensary

I. PROPOSAL

To adopt Ordinance 2015-708 amending titles 5 and 17 of the Carlton Municipal Code to adopt development standards for Medical Marijuana Dispensaries (MMD).

The draft Ordinance 2015-708 included as Exhibit A was developed by the City Attorney and amends Chapters 5 and 17 of the Carlton Code. The draft Ordinance allows MMD's to be approved by the Planning Commission as conditional uses in the Commercial Business, Commercial Industrial, and General Industrial zones provided they meet criteria specific to MMDs in addition to the existing evaluation criteria for Conditional Use Permits included in CDC 17.152.030.

Proposed Ordinance 2015-708 will add the following criteria, specific to MMDs, in Title 17:

17.152.035 Criteria for Approval of Medical Marijuana Dispensary

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 subject lot is not within five hundred feet of the nearest city park or pre-school serving more than an average of 15 children at any one time on a regular basis;
4. The lot is not within one thousand feet of any lot upon which there is located an educational institution primarily attended by minors;
5. The lot is not within one thousand feet of any lot upon which there is located another marijuana dispensary business;
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, as defined in this chapter, shall have operating hours earlier than eight a.m. or later than eight p.m. of the same day;

8. Cultivation or infusion of medical marijuana at the site of the dispensary 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.

The following evaluation criteria that applies to conditional use permits that is currently in the Carlton Development Code will also apply to the specific use standards for MMDs¹:

17.152.030 - Criteria for approval.

Conditional use permits shall be approved if the applicant provides evidence substantiating that all the requirements of this title relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria:

A. The use is listed as a conditional use in the underlying district or the approval body finds that the use is similar to a conditional use listed in the underlying district.

B. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations.

C. All required public facilities, including water, sanitary sewer, and streets, have adequate capacity or are to be improved to serve the proposal, consistent with City standards.

D. The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district.

E. The negative impacts of the proposed use, if any, on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval.

II. PROCEDURE

Text Amendments to the Code are processed as Type IV procedures. Type IV procedures are conducted as stated in CDC17.144.050. The procedures for Type IV actions are included in CDC 17.212.020. There are no criteria in the CDC for the review of Type IV actions, however the amendments proposed will be reviewed for consistency with all relevant State and City Planning Goals.

¹ No revisions are proposed to Code Section 17.152.030. This section is included for background information and reference only.

Notice of the Planning Commission Hearing and City Council Hearing was published in the McMinnville News-Register on May 5, 2015. Notice of the proposed amendments and public hearing dates was sent to the Oregon Department of Land Conservation and Development on April 1, 2015 as required by city and state law.

Comprehensive Plan amendments and zone change applications are not subject to the 120-day requirement for a local land use decision.

III. CRITERIA & FINDINGS

A. Statewide Planning Goals - relevant goals

Goal 1, Citizen Involvement, requires the provision of opportunities for citizens to be involved in all phases of the planning process.

Finding 1: The City Council initiated the potential development code amendment at a public meeting on February 26, 2015. The Planning Commission, after proper notice, is conducting a public hearing on May 18, 2015. The City Council will consider the recommendation of the Planning Commission at a future public hearing date that is scheduled for June 8, 2015, and decide whether or not to adopt the development code amendment. The development code amendment process utilized has provided opportunity for public comments throughout the planning process.

Goal 2, Land Use Planning, requires the development of a process and policy framework that acts as a basis for all land use decisions.

Finding 2: The Medical Marijuana Dispensary proposal is supportive of this goal because it was developed following city procedures for legislative action.

B. Carlton Planning Goals

CP Citizen Involvement Goal 1: To maintain a Citizen Involvement Plan that ensures the opportunity for citizens to be involved in all phases of the planning process.

Finding 3: The City Council initiated the potential development code amendment at a public meeting on February 26, 2015. The Planning Commission, after proper notice, is conducting a public hearing on May 18, 2015. The City Council will consider the recommendation of the Planning Commission at a future public hearing date that is scheduled for June 8, 2015, and decide whether or not to adopt the development code amendment. The development code amendment process utilized has provided opportunity for public comments throughout the planning process.

CP Land Use Goal 1. To maintain a land use planning process and policy framework as a basis for all decisions and actions related to the use of the land and to assure an adequate factual base for such decisions and actions.

Finding 4: The Medical Marijuana Dispensary proposal is supportive of this goal because it was developed following city procedures for legislative action.

CP Economic Goal 1. To provide for the needs of existing industries, encourage desired economic growth, develop a stable community-based economy, and provide for greater employment opportunities for Carlton's citizens.

Finding 5: The city encourages new businesses to develop within the city. A medical marijuana dispensary is a legal business under State law, and there could be local demand for medical marijuana dispensaries. Allowing medical marijuana dispensaries in the Commercial Business, Commercial Industrial, and General Industrial zones with appropriate buffer zones from pre-schools and parks, is consistent with this Comprehensive Plan goal.

IV. CONCLUSIONS AND RECOMMENDATIONS

The proposed development code amendments meet the applicable requirements of the Statewide Planning Goals, and the Carlton Comprehensive Plan, and staff recommends the Planning Commission forward a recommendation of approval of Ordinance 2015-708 to the City Council.

V. PLANNING COMMISSION ACTION ALTERNATIVES

- A. Move to recommend to the City Council to **APPROVE** the Ordinance 2015-708 based upon the findings proposed in the LA 2015-01 Staff Report to the Planning Commission.
- B. Move to recommend to the City Council to **DENY** the Ordinance 2015-708, stating how the proposal is not consistent with existing State and City Planning Goals.
- C. Continue the hearing to a time certain or indefinitely.



ORDINANCE NO. 2015-708

AN ORDINANCE AMENDING TITLES 5 AND 17 OF THE CARLTON MUNICIPAL CODE TO ADOPT STANDARDS FOR MEDICAL MARIJUANA DISPENSARIES

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

WHEREAS, the City Council has previously considered and rejected adoption of a moratorium on the establishment of medical marijuana dispensaries within the City of Carlton; and

WHEREAS, the moratoriums previously enacted by many Oregon cities will terminate in accordance with state law on May 1, 2015; and

WHEREAS, the City Council is authorized by 2014 Oregon Senate Bill 1531 approved by the Oregon Legislature on March 7, 2014, to adopt reasonable time place and manner regulations on the establishment and operation of medical marijuana dispensaries 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 5.40 entitled “Medical Marijuana Dispensaries: to read as follows:

**“Chapter 5.40
MEDICAL MARIJUANA DISPENSARIES**

Sections:

[5.40.010](#) Purpose.

[5.40.020](#) Definitions.

[5.40.030](#) Regulations for medical marijuana dispensary.

5.40.010 Purpose.

It is recognized that the presence of marijuana dispensaries 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 dispensaries 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 marijuana dispensaries, 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. “Medical marijuana” means all parts of the genus cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patient’s debilitating medical condition or symptoms associated with the patient’s debilitating medical condition.
- B. “Cultivation” means a location where marijuana is produced or cultivated for use by a medical marijuana qualifying patient including within a building, structure or premises used for the cultivation or storage of medical marijuana that is physically separate and off site from a medical marijuana dispensary.
- C. “Medical marijuana dispensary” means a medical marijuana facility registered by the Oregon Health Authority under ORS [475.300](#) to [475.346](#) and that sells, distributes, transmits, gives, dispenses or otherwise provides medical marijuana to qualifying patients.
- D. “Infusion” means a facility or business that incorporates medical marijuana (cannabis) by means of cooking, blending, or incorporation into consumable/edible goods.
- E. “Medical marijuana qualifying patient” means a registry identification cardholder (person who has been diagnosed by a physician as having a debilitating medical condition) as further defined by ORS [475.302](#)(3) or the designated primary caregiver of the cardholder as defined by ORS [475.302](#)(5).

5.40.030 Regulations for medical marijuana dispensary.

- A. Medical marijuana dispensary 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 registered under the state of Oregon’s medical marijuana facility registration system under ORS [475.300](#) through [475.346](#);
 - 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 subject lot is not within five hundred feet of the nearest city park or pre-school serving more than an average of 15 children at any one time on a regular basis;
 6. The lot is not within one thousand feet of any lot upon which there is located an educational institution primarily attended by minors;
 7. The lot is not within one thousand feet of any lot upon which there is located another marijuana dispensary business;
 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 marijuana dispensary 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 or infusion of medical marijuana at the site of the dispensary 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 medical marijuana dispensary 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 registration of the proposed dispensary.
 2. The location of the proposed medical marijuana dispensary 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.

5.40.040 – 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 5.04.040.”

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:

“Medical marijuana” means all parts of the genus cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patient’s debilitating medical condition or symptoms associated with the patient’s debilitating medical condition.

“Cultivation” means a location where marijuana is produced or cultivated for use by a medical marijuana qualifying patient including within a building, structure or premises used for the cultivation or storage of medical marijuana that is physically separate and off site from a medical marijuana dispensary.

“Medical marijuana dispensary” means a medical marijuana facility registered by the Oregon Health Authority under ORS [475.300](#) to [475.346](#) and that sells, distributes, transmits, gives, dispenses or otherwise provides medical marijuana to qualifying patients.

“Infusion” means a facility or business that incorporates medical marijuana (cannabis) by means of cooking, blending, or incorporation into consumable/edible goods.

“Medical marijuana qualifying patient” means a registry identification cardholder (person who has been diagnosed by a physician as having a debilitating medical condition) as further defined by ORS [475.302](#)(3) or the designated primary caregiver of the cardholder as defined by ORS [475.302](#)(5).

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:

“U. Medical Marijuana Dispensary 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:

“Medical marijuana dispensary 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:

“F. Medical marijuana dispensary 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” to read as follows:

“17.152.035 Criteria for Approval of Medical Marijuana Dispensary

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 subject lot is not within five hundred feet of the nearest city park or pre-school serving more than an average of 15 children at any one time on a regular basis;
4. The lot is not within one thousand feet of any lot upon which there is located an educational institution primarily attended by minors;
5. The lot is not within one thousand feet of any lot upon which there is located another marijuana dispensary business;
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, as defined in this chapter, shall have operating hours earlier than eight a.m. or later than eight p.m. of the same day;
8. Cultivation or infusion of medical marijuana at the site of the dispensary 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. Effective date. This ordinance shall be in full force and effect upon the thirtieth (30th) day after its passage by the Council and approval by the Mayor.

ADOPTED by the City Council on this _____ day of _____, 2015, by the following votes:

AYES:	NAYES:	ABSENT:	ABSTAIN:
--------------	---------------	----------------	-----------------

APPROVED and signed by the Mayor this _____ day of _____, 2015.

Kathie Oriet, Mayor

ATTEST: _____
Jennifer L. Nelson, Acting City Recorder