

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Seventh Reading and Seventh Public Hearing (ALL
Land Use & Transportation; County Counsel CPOs)

Agenda Title: **CONSIDER PROPOSED B-ENGROSSED ORDINANCE NO. 810 – AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO MARIJUANA REGULATION**

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

SUMMARY:

B-Engrossed Ordinance No. 810 proposes to amend the Community Development Code to address commercial recreational marijuana business activity in unincorporated Washington County. The proposed ordinance is posted on the County's land use ordinance web page at the following link:

www.co.washington.or.us/landuseordinances

The Board conducted a hearing for Ordinance No. 810 on August 16, 2016 and directed engrossment of the ordinance to include changes recommended by the Planning Commission and staff. The Board held hearings for A-Engrossed Ordinance No. 810 on September 20 and October 4, 2016. The Board directed an additional engrossment on October 4 and continued the hearing to October 18 and 25, 2016.

The staff report for the October 25, 2016 hearing will be provided to the Board prior to the hearing and posted on the above land use ordinance web page. Copies of the report will also be available electronically and at the Clerk's desk prior to the hearing.

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

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

DEPARTMENT'S REQUESTED ACTION:

Read B-Engrossed Ordinance No. 810 by title only and conduct the second public hearing for the engrossed ordinance. At the conclusion of the hearing, adopt B-Engrossed Ordinance No. 810 and associated findings.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

Agenda Item No.	4.b.
Date:	10/25/16

ADOPTED

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

B-ENGROSSED ORDINANCE 810

An Ordinance Amending the
Community Development Code
Relating to Marijuana Regulation

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

SECTION 1

A. The Board recognizes that the Community Development Code Element of the
Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by
way of Ordinance No. 308, and subsequently amended by Ordinance Nos. 321, 326, 336-341,
356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423,
428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-
489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577,
581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634,
635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692,
694-698, 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-
758, 760, 762, 763, 765, 766, 769-776, 782-788, 791, 792, 797-800, 802, 804, 809, 811, and 813.

B. As part of its ongoing planning efforts, Washington County staff has identified
amendments to the Community Development Code to set forth standards for marijuana-related
activities and to integrate amendments to state law. The Board recognizes that such changes are

1 necessary from time to time for the benefit and welfare of the residents of Washington County,
2 Oregon.

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

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

15 SECTION 2

16 The following Exhibit, attached and incorporated herein by reference, are hereby adopted
17 as amendments to the following document:

18 A. Exhibit 1(19 pages) – Amends the following sections of the Community
19 Development Code:

- 20 1. Section 302 – R-5 District (Residential 5 Units Per Acre);
- 21 2. Section 303 – R-6 District (Residential 6 Units Per Acre);
- 22 3. Section 304 – R-9 District (Residential 9 Units Per Acre);

- 1 4. Section 305 – R-15 District (Residential 15 Units Per Acre);
- 2 5. Section 306 – R-24 District (Residential 24 Units Per Acre);
- 3 6. Section 307 – R-25+ District (Residential 25 Units or More Per Acre);
- 4 7. Section 308 – Future Development 20-Acre District (FD-20);
- 5 8. Section 309 – Future Development 10-Acre District (FD-10);
- 6 9. Section 311 – Neighborhood Commercial District (NC);
- 7 10. Section 312 – Office Commercial District (OC);
- 8 11. Section 313 – Community Business District (CBD);
- 9 12. Section 314 – General Commercial District (GC);
- 10 13. Section 320 – Industrial District (IND);
- 11 14. Section 330 – Institutional District (INST);
- 12 15. Section 340 – Exclusive Farm Use District (EFU);
- 13 16. Section 342 – Exclusive Forest and Conservation District (EFC);
- 14 17. Section 344 – Agriculture and Forest District (AF-20);
- 15 18. Section 346 – Agriculture and Forest District (AF-10);
- 16 19. Section 348 – Agriculture and Forest District (AF-5);
- 17 20. Section 350 – Rural Residential Five Acre Minimum District (RR-5);
- 18 21. Section 352 – Rural Commercial District (R-COM);
- 19 22. Section 354 – Rural Industrial District (R-IND);
- 20 23. Section 356 – Land Extensive Industrial District (MAE);
- 21 24. Section 375 – Transit Oriented Districts;
- 22 25. Section 390 – North Bethany Subarea Overlay District; and

1 26. Section 430 – Special Use Standards.

2 SECTION 3

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

5 SECTION 4

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

8 SECTION 5

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

12 SECTION 6

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

18 ///

19 ///

1 SECTION 7

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

3 ENACTED this 25th day of October, 2016, being the 7th reading and
4 7th public hearing before the Board of County Commissioners of Washington County,
5 Oregon.

6 BOARD OF COUNTY COMMISSIONERS
7 FOR WASHINGTON COUNTY,

8 OREGON

9
10 **ADOPTED**

11 *Andy Dard*
12 CHAIRMAN

13 *A. D. Noyola*
14 RECORDING SECRETARY

15 READING

16 First July 19, 2016
17 Second August 2, 2016
18 Third August 16, 2016
19 Fourth September 20, 2016
20 Fifth October 4, 2016
21 Sixth October 18, 2016
22 Seventh October 25, 2016

PUBLIC HEARING

First July 19, 2016
Second August 2, 2016
Third August 16, 2016 (engrossment ordered)
Fourth September 20, 2016
Fifth October 4, 2016 (engrossment ordered)
Sixth October 18, 2016
Seventh October 25, 2016

VOTE: Aye: Rogers, Malinowski, Terry, Schouten, & Duyck

Nay: none

Recording Secretary: Ana D. Noyola

Date: October 25, 2016

Sections of the COMMUNITY DEVELOPMENT CODE are amended to reflect the following:

1. SECTION 302 - R-5 DISTRICT (RESIDENTIAL 5 UNITS PER ACRE)

302-5 Prohibited Uses

302-5.10 Marijuana production that requires a license from the Oregon Liquor Control Commission. Marijuana production includes the manufacture, planting, cultivation, growing, or harvesting of marijuana.

2. SECTION 303 - R-6 DISTRICT (RESIDENTIAL 6 UNITS PER ACRE)

303-5 Prohibited Uses

303-5.10 Marijuana production that requires a license from the Oregon Liquor Control Commission. Marijuana production includes the manufacture, planting, cultivation, growing, or harvesting of marijuana.

3. SECTION 304 - R-9 DISTRICT (RESIDENTIAL 9 UNITS PER ACRE)

304-5 Prohibited Uses

304-5.10 Marijuana production that requires a license from the Oregon Liquor Control Commission. Marijuana production includes the manufacture, planting, cultivation, growing, or harvesting of marijuana.

4. SECTION 305 - R-15 DISTRICT (RESIDENTIAL 15 UNITS PER ACRE)

305-5 Prohibited Uses

305-5.10 Marijuana production that requires a license from the Oregon Liquor Control Commission. Marijuana production includes the manufacture, planting, cultivation, growing, or harvesting of marijuana.

5. SECTION 306 - R-24 DISTRICT (RESIDENTIAL 24 UNITS PER ACRE)

306-5 Prohibited Uses

306-5.10 Marijuana production that requires a license from the Oregon Liquor Control Commission. Marijuana production includes the manufacture, planting, cultivation, growing, or harvesting of marijuana.

6. SECTION 307 - R-25+ DISTRICT (RESIDENTIAL 25 UNITS OR MORE PER ACRE)

307-5 Prohibited Uses

307-5.10 Marijuana production that requires a license from the Oregon Liquor Control Commission. Marijuana production includes the manufacture, planting, cultivation, growing, or harvesting of marijuana.

7. SECTION 308 – FUTURE DEVELOPMENT 20-ACRE DISTRICT (FD-20)

308-5 Prohibited Uses

308-5.10 Any recreational marijuana activity or use that requires a license from the Oregon Liquor Control Commission.

8. SECTION 309 – FUTURE DEVELOPMENT 10-ACRE DISTRICT (FD-10)

309-5 Prohibited Uses

309-5.9 Any recreational marijuana activity or use that requires a license from the Oregon Liquor Control Commission.

9. SECTION 311 – NEIGHBORHOOD COMMERCIAL DISTRICT (NC)

311-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

311-2.10 Outdoor Marijuana Production - Section 430-80.

311-3 Uses Permitted Through a Type II Procedure

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

311-3.26 Indoor Marijuana Production - Section 430-80.

10. SECTION 312 – OFFICE COMMERCIAL DISTRICT (OC)

312-2 Uses Permitted Under a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

312-2.9 Outdoor Marijuana Production - Section 430-80.

312-3 Uses Permitted Through a Type II Procedure

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

312-3.28 Indoor Marijuana Production - Section 430-80.

11. SECTION 313 – COMMUNITY BUSINESS DISTRICT (CBD)

313-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

313-2.9 Outdoor Marijuana Production - Section 430-80.

313-3 Uses Permitted Through a Type II Procedure

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

313-3.41 Retail Marijuana Facility - Section 430-80.

313-3.42 Indoor Marijuana Production - Section 430-80.

12. SECTION 314 – GENERAL COMMERCIAL DISTRICT (GC)

314-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

314-2.9 Outdoor Marijuana Production - Section 430-80.

314-3 Uses Permitted Through a Type II Procedure

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

314-3.45 Retail Marijuana Facility - Section 430-80.

314-3.46 Indoor Marijuana Production - Section 430-80.

13. SECTION 320 – INDUSTRIAL DISTRICT (IND)

320-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

320-2.9 Outdoor Marijuana Production - Section 430-80.

320-3 Uses Permitted Through a Type II Procedure

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

320-3.20 Retail Marijuana Facility - Section 430-80.

320-3.21 Indoor Marijuana Production - Section 430-80.

320-3.22 Marijuana Processing Facility - Section 430-80.

14. SECTION 330 – INSTITUTIONAL DISTRICT (INST)

330-3 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the district, the Development Standards of Article IV and all other applicable standards of the Code.

330-3.10 Outdoor Marijuana Production - Section 430-80.

330-4 Uses Permitted Through a Type II Procedure

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

330-4.9 Indoor Marijuana Production - Section 430-80.

15. SECTION 340 - EXCLUSIVE FARM USE DISTRICT (EFU)

340-3 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

340-3.6 Marijuana Production - Section 430-80.

340-4 Uses Permitted through a Type II Procedure

The uses listed in Sections 340-4.1 and 340-4.2 are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 340-4.3.

340-4.1 Permitted Uses which are exempt from Section 340-4.3:

- A. Accessory dwellings customarily provided in conjunction with farm use – Section 430-37.2 D. Such accessory dwellings are not allowed in conjunction with a marijuana crop Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for an accessory farm

dwelling. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.

C. Dwelling Unit(s) occupied by a relative of the farm operator or farm operator's spouse who assists or will assist with the management of the ~~farming,~~ commercial farm operation. Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for a relative farm help dwelling. ~~except that such dwelling units are not allowed in conjunction with a marijuana crop.~~ A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Section 430-37.2 C.

D. Facility for the processing of farm crops or the production of biofuel, as defined in ORS 315.141, located on a farm operation that provides at least one-quarter (1/4) of the crops processed at the facility. The building established for the processing facility shall not exceed ten thousand (10,000) square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than ten thousand (10,000) square feet to processing activities within another building supporting farm uses. Any facility approved under this Section for the commercial processing of marijuana subject to an OLCC license requirement shall demonstrate compliance with Section 430-80. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility. Any division or property line adjustment proposing to separate a processing facility from the farm operation on which it is located is prohibited.

M. A replacement dwelling to be used in conjunction with farm use if the existing dwelling is listed on the National Register of Historic Places. For the purpose of this Section, "replacement" means to provide one (1) additional dwelling. Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for a replacement dwelling under this Section. ~~Such replacement dwellings are not allowed in conjunction with a marijuana crop.~~ A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.

X. Farm stand as provided in OAR 660, Division 33. ~~The sale of marijuana and marijuana-derived products is not allowed at farm stands.~~ A farm stand may not be used for the sale, or to promote the sale, of marijuana or marijuana products, concentrates, and extracts.

340-4.2 Permitted Uses which are subject to Section 340-4.3:

A. Commercial Activities in Conjunction with Farm Use, including the processing of farm crops into biofuel not permitted under ORS 215.203(2)(b)(L) or as described in Section 340-4.1 D. - Section 430-33. A commercial activityies in

conjunction with farm use ~~are~~is not allowed in ~~conjunction~~combination with a marijuana crop.

- B. Primary Dwelling Unit in conjunction with farm use - Section 430-37.2 A. Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for a primary farm dwelling. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. ~~A primary dwelling unit in conjunction with farm use is not allowed in conjunction with a marijuana crop.~~

340-5 Uses Which May be Permitted Through a Type III Procedure

The uses listed in Sections 340-5.1 and 340-5.2 may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 340-5.3. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

340-5.1 Uses which may be allowed, but are not subject to Section 340-5.3:

- D. Nonfarm Detached Dwelling Unit. For required standards see Section 430-85. ~~A nonfarm detached dwelling is not allowed in conjunction with a marijuana crop.~~

16. SECTION 342 - EXCLUSIVE FOREST AND CONSERVATION DISTRICT (EFC)

342-2 Uses Permitted through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

342-2.11 Marijuana Production - Section 430-80.

17. SECTION 344 - AGRICULTURE AND FOREST DISTRICT (AF-20)

344-3 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

344.3.6 Marijuana Production - Section 430-80.

344-4 Uses Permitted through a Type II Procedure

The uses listed in Section 344-4.1 and 344-4.2 are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 344-4.3.

344-4.1 Permitted Uses which are exempt from Section 344-4.3:

A. Accessory dwellings customarily provided in conjunction with farm use – Section 430-37.2 D. ~~Such accessory dwellings are not allowed in conjunction with a marijuana crop~~Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for an accessory farm dwelling. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.

C. Dwelling Unit(s) occupied by a relative of the farm operator or farm operator's spouse who assists or will assist with the management of the ~~farming,~~ commercial farm operation. Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for a relative farm help dwelling. ~~except that such dwelling units are not allowed in conjunction with a marijuana crop.~~ A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Section 430-37.2 C.

D. Facility for the processing of farm crops or the processing of biofuel, as defined in ORS 315.141, located on a farm operation that provides at least one-quarter (1/4) of the crops processed at the facility. The building established for the processing facility shall not exceed ten thousand (10,000) square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than ten thousand (10,000) square feet to processing activities within another building supporting farm uses. Any facility approved under this Section for the commercial processing of marijuana subject to an OLCC license requirement shall demonstrate compliance with Section 430-80. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility. Any division or property line adjustment proposes to separate a processing facility from the farm operation on which it is located is prohibited.

M. A replacement dwelling to be used in conjunction with farm use if the existing dwelling is listed on the National Register of Historic Places. For the purpose of

this Section, "replacement" means to provide one (1) additional dwelling. Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for a replacement dwelling under this Section. Such replacement dwellings are not allowed in conjunction with a marijuana crop. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.

- X. Farm stand as provided in OAR 660, Division 33. ~~The sale of marijuana and marijuana-derived products is not allowed at farm stands. A farm stand may not be used for the sale, or to promote the sale, of marijuana or marijuana products, concentrates, and extracts.~~

344-4.2 Permitted Uses which are subject to Section 344-4.3:

- A. Commercial Activities in Conjunction with Farm Use, including the processing of farm crops into biofuel not permitted under ORS 215.203 (2)(b)(L) or as described in Section 344-4.1 D. - Section 430-33. A commercial activityies in conjunction with farm use are is not allowed in conjunction-combination with a marijuana crop.
- B. Primary Dwelling Unit in conjunction with farm use - Section 430-37.2 A. A primary dwelling unit in conjunction with farm use is not allowed in conjunction with a marijuana crop. Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for a primary farm dwelling. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.

344-5 Uses Which May be Permitted Through a Type III Procedure

The uses listed in Section 344-5.1 and 344-5.2 may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 344-5.3. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

344-5.1 Uses which may be allowed, but are not subject to Section 344-5.3:

- D. Nonfarm Detached Dwelling Unit. For required standards see Section 430-85. A nonfarm detached dwelling unit is not allowed in conjunction with a marijuana crop.

18. SECTION 346 - AGRICULTURE AND FOREST DISTRICT (AF-10)

346-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

346-2.12 Marijuana Production - Section 430-80.

19. SECTION 348 - AGRICULTURE AND FOREST DISTRICT (AF-5)

348-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

348-2.12 Marijuana Production - Section 430-80.

20. SECTION 350 - RURAL RESIDENTIAL FIVE ACRE MINIMUM DISTRICT (RR-5)

350-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

350-2.11 Marijuana Production - Section 430-80.

21. SECTION 352 - RURAL COMMERCIAL DISTRICT (R-COM)

352-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

352-2.8 Outdoor Marijuana Production - Section 430-80.

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

The uses listed in Section 352-3.1 are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 352-3.2. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

352-3.1 Permitted Uses:

DD. Retail Marijuana Facility - Section 430-80.

EE. Indoor Marijuana Production - Section 430-80.

22. SECTION 354 - RURAL INDUSTRIAL DISTRICT (R-IND)

354-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

354-2.7 Outdoor Marijuana Production - Section 430-80.

354-3 Uses Permitted Through a Type II Procedure

The uses listed in Section 354-3.1 are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 354-3.2. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

354-3.1 Permitted Uses:

V. Indoor Marijuana Production - Section 430-80.

W. Marijuana Processing Facility - Section 430-80.

23. SECTION 356 - LAND EXTENSIVE INDUSTRIAL DISTRICT (MAE)

356-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

356.2.9 Outdoor Marijuana Production - Section 430-80.

356-3 Uses Permitted Through a Type II Procedure

356-3.1 The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the intent and purpose and the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

V. Indoor Marijuana Production - Section 430-80.

W. Marijuana Processing Facility - Section 430-80.

24. SECTION 375 - TRANSIT ORIENTED DISTRICTS

375-5 Prohibited Uses

375-5.6 Outdoor Marijuana Production - Section 430-80.

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

The following use or design limitations apply where specified in Table A:

33. ~~Retail Marijuana Facilityies shall be subject to the standards of -~~ Section 430-80.

34. Indoor Marijuana Production - Section 430-80.

35. Marijuana Processing Facility - Section 430-80.

Table A. Permitted and Prohibited Uses in Transit Oriented Districts

USE	DISTRICT								
	TO: RC	TO: BUS	TO: EMP	TO: R9-12	TO: R12-18	TO: R18-24	TO: R24-40	TO: R40-80	TO: R80-120
Commercial Uses:		(1)	(2)				(3)	(3)	(3)
Retail Business < 5,000 sq. ft. floor area (23.b.)	II	II	II	N	N	N	III	III	III
Retail Business > 5,000 sq. ft. floor area	II	II	III (4)	N	N	N	N	N	N
Food Market (5)	II or III	II	N	N	N	N	N	N	N
Bulk Product Sales	N	N	N	N	N	N	N	N	N
Hotels	II (6)	II	II	N	N	N	N	N	N
Retail Marijuana Facility (Retail) (33)	II	II	II	N	N	N	N	N	N
Marijuana Facility (Production – Indoor only (34) new structure) (33)	II	II	II	N	N	N	N	N	N
Motels	N	N	N	N	N	N	N	N	N

Industrial Uses:		(18)							

Marijuana Processing Facility (35)	N	N	II	N	N	N	N	N	N

25. SECTION 390 - NORTH BETHANY SUBAREA OVERLAY DISTRICT

390-6 Prohibited Uses

390-6.1 The following structures and uses are prohibited in all residential districts in the North Bethany Subarea.

K. Marijuana production that requires a license from the Oregon Liquor Control Commission. Marijuana production includes the manufacture, planting, cultivation, growing, or harvesting of marijuana.

390-13 Neighborhood Corner Commercial District (NCC NB)

390-13.2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 390-16 and Section

abcdef Proposed additions
~~abcdef~~ Proposed deletions

430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

H. Outdoor Marijuana Production - Section 390-16.15.

390-13.3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

R. Indoor Marijuana Production - Section 390-16.15.

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

390-14.2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

G. Outdoor Marijuana Production - Section 390-16.15.

390-14.3 Uses Permitted Through a Type II Procedure

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

U. Retail Marijuana Facility – Section 390-16.15.

V. Indoor Marijuana Production - Section 390-16.15.

390-16 Special Use Standards

In addition to the requirements of Section 390 and Sections 400 through 429, the following standards are provided for specific uses.

~~390-16.15 Retail Marijuana Facility~~ Marijuana Facilities and Marijuana Production

Marijuana Facilities under this Section include Retail Marijuana Facilities, Marijuana Processing Facilities, Wholesale Marijuana Facilities, and Marijuana Research and Testing Facilities subject to license requirements of the OLCC.

Marijuana Production under this Section applies to Indoor and Outdoor Marijuana Production Operations as defined in Section 390-16.15 C.

A. No more than one licensee of each of the following marijuana business activities may be established on the same lot of record:

(1) Marijuana Production (Indoor and Outdoor)

(2) Marijuana Processing Facility

(3) Wholesale Marijuana Facility

(4) Retail Marijuana Facility

(5) Marijuana Research and Testing Facility

B. Retail Marijuana Facility

Retail Marijuana Facilities are limited to Medical Marijuana Dispensaries and Retail Recreational Marijuana Facilities.

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

A Retail Recreational Marijuana Facility is a facility, registered and licensed by the Oregon Liquor Control Commission, that engages in retail sales of marijuana and marijuana-derived products to persons 21 years of age or older.

Retail Marijuana Facilities are permitted subject to the following:

(1)A- All state requirements must be met;

(2)B- Hours of operation shall be limited to between 8:00 a.m. and 10:00 p.m.;

(3)C- Entrances and off-street parking areas for a Retail Marijuana Facility shall be well lit and not visually obscured from public view/right of way; and,

(4)D- In addition to state requirements for location, a Retail Marijuana Facility must be located:

(a)(1)At least one thousand (1000) feet away from any other Retail Marijuana Facility;

(b)(2)At least one thousand (1000) feet from a youth-oriented recreational facility owned and operated by Tualatin Hills Park & Recreation District (THPRD).

Distances are measured by a straight line between any point on the boundary line of the real property containing a Retail Marijuana Facility to any point on the boundary line of the real property containing another Retail Marijuana Facility or THPRD youth-oriented recreational facility.

C. Marijuana Production

Marijuana production can occur indoors or outdoors and includes the manufacture, planting, cultivation, growing, or harvesting of marijuana subject to a production license requirement from the Oregon Liquor Control Commission.

Indoor Production. Producing marijuana in any manner:

- (1) Utilizing artificial lighting on mature marijuana plants; or
- (2) Other than outdoor production as defined below.

Outdoor Production. Producing marijuana:

- (1) In an expanse of clear or open ground; or
- (2) In a greenhouse, hoop house or similar non-rigid structure that does not utilize any artificial lighting on mature marijuana plants, including but not limited to electrical lighting sources.

Indoor Marijuana Production is permitted subject to the following requirement:

For odor control, buildings used for Indoor Marijuana Production shall be equipped with a carbon filtration system to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter. The air filtration system shall be designed by a mechanical engineer licensed in Oregon. The air filtration system shall be maintained in working order and remain in use while marijuana activity is occurring within the building.

An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in Oregon demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required.

26. SECTION 430 - SPECIAL USE STANDARDS

430-80 ~~Retail Marijuana Facility~~ Marijuana Facilities and Marijuana Production

Marijuana Facilities under this Section include Retail Marijuana Facilities, Marijuana Processing Facilities, Wholesale Marijuana Facilities, and Marijuana Research and Testing Facilities subject to license requirements of the OLCC.

Marijuana Production under this Section applies to Indoor and Outdoor Marijuana Production as defined in Section 430-80.3.

430-80.1 No more than one licensee for each of the following marijuana business activities may be established on the same lot of record:

A. Marijuana Production (Indoor and Outdoor)

B. Marijuana Processing Facility

C. Wholesale Marijuana Facility

D. Retail Marijuana Facility

E. Marijuana Research and Testing Facility

430-80.2 Retail Marijuana Facility

Retail Marijuana Facilities are limited to Medical Marijuana Dispensaries and Retail Recreational Marijuana Facilities.

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

A Retail Recreational Marijuana Facility is a facility, registered and licensed by the Oregon Liquor Control Commission, that engages in retail sales of marijuana and marijuana-derived products to persons twenty-one (21) years of age or older.

Retail Marijuana Facilities are permitted subject to the following:

A. 430-80.1 All state requirements must be met;

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

C. 430-80.3 Entrances and off-street parking areas for a Retail Marijuana Facility shall be well lit and not visually obscured from public view/right of way;

D. 430-80.4 In the Industrial (IND), General Commercial (GC), and Rural Commercial (R-COM) Land Use Districts, the maximum allowed gross floor area for a Retail Marijuana Facility is three thousand (3000) square feet; and,

E. 430-80.5 In addition to state requirements for location, a Retail Marijuana Facility must be located:

(1) A. At least one thousand (1000) feet away from any other Retail Marijuana Facility;

- (2) B-At least one thousand (1000) feet from a youth-oriented recreational facility owned and operated by Tualatin Hills Park & Recreation District (THPRD).

Distances are measured by a straight line between any point on the boundary line of the real property containing a Retail Marijuana Facility to any point on the boundary line of the real property containing another Retail Marijuana Facility or THPRD youth-oriented recreational facility.

430-80.3 Marijuana Production

Marijuana Production includes the manufacture, planting, cultivation, growing, or harvesting of marijuana subject to a production license requirement from the Oregon Liquor Control Commission.

Indoor Production. Producing marijuana in any manner:

- (1) Utilizing artificial lighting on mature marijuana plants; or
(2) Other than outdoor production as defined below.

Outdoor Production. Producing marijuana:

- (1) In an expanse of clear or open ground; or
(2) In a greenhouse, hoop house or similar non-rigid structure that does not utilize any artificial lighting on mature marijuana plants, including but not limited to electrical lighting sources.

Marijuana Production is permitted subject to the following requirements:

- A. For Outdoor Marijuana Production outside the UGB, setbacks shall be a minimum of fifty (50) feet from all property lines.
- B. For odor control, buildings used for Indoor Marijuana Production shall be equipped with a carbon filtration system to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter. The air filtration system shall be designed by a mechanical engineer licensed in Oregon. The air filtration system shall be maintained in working order and remain in use while marijuana activity is occurring within the building.

An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in Oregon demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required.

430-80.4 Marijuana Processing Facility

A Marijuana Processing Facility is a building used for marijuana processing activities subject to a processing license requirement from the Oregon Liquor Control Commission.

Marijuana Processing is the processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates, or cannabinoid extracts. Processing does not include packaging or labeling.

Marijuana Processing Facilities are permitted subject to the following requirements:

- A. For odor control, buildings used for Marijuana Processing shall be equipped with a carbon filtration system to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter. The air filtration system shall be designed by a mechanical engineer licensed in Oregon. The air filtration system shall be maintained in working order and remain in use while marijuana activity is occurring within the building.

An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in Oregon demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Action – Land Use & Transportation (ALL CPOs)

Agenda Title: ADOPT FINDINGS FOR B-ENGROSSED ORDINANCE NO. 810

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

SUMMARY:

B-Engrossed Ordinance No. 810 amends the Community Development Code and is posted on the County's land use ordinance web page at the following link:

<http://www.co.washington.or.us/landuseordinances>

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

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

Attached is the Resolution and Order to adopt the findings for B-Engrossed Ordinance No. 810. Prior to the October 25, 2016 meeting, the proposed findings will be provided to the Board, posted on the above land use ordinance web page, and available at the Clerk's desk.

Attachment: Resolution and Order

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

DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for B-Engrossed Ordinance No. 810 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 16-140

Agenda Item No.	<u>5.b.</u>
Date:	10/25/16

IN THE BOARD OF COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting) RESOLUTION AND ORDER
Legislative Findings in Support)
of B-Engrossed Ordinance No. 810) No. 16-140

This matter having come before the Washington County Board of Commissioners at its meeting of October 25, 2016; and

It appearing to the Board that the findings contained in "Exhibit A" summarize relevant facts and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's Urban Growth Management Functional Plan relating to B-Engrossed Ordinance No. 810; and

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

It appearing to the Board that the Planning Commission, at the conclusion of its public hearing on July 6, 2016, made a recommendation to the Board, which is in the record and has been reviewed by the Board; and

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

RESOLVED AND ORDERED that the attached findings in "Exhibit A" in support of B-Engrossed Ordinance No. 810 are hereby adopted.

DATED this 25th day of October, 2016.




	AYE	NAY	ABSENT	BOARD OF COMMISSIONERS FOR WASHINGTON COUNTY, OREGON
DUYCK	✓	—	—	
SCHOUTEN	✓	—	—	
MALINOWSKI	✓	—	—	
ROGERS	✓	—	—	
TERRY	✓	—	—	Chairman
APPROVED AS TO FORM:  County Counsel For Washington County, Oregon				 Recording Secretary

EXHIBIT A

FINDINGS FOR B-ENGROSSED ORDINANCE NO. 810

AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO MARIJUANA REGULATION

October 25, 2016

- Part 1 General Findings
- Part 2 Statewide Planning Goal Findings
- Part 3 Metro Urban Growth Management Functional Plan Findings

Part 1: GENERAL FINDINGS

B-Engrossed Ordinance No. 810 amends the Community Development Code (CDC) to address commercial recreational marijuana regulation in Washington County.

Key Ordinance Provisions

The key provisions of B-Engrossed Ordinance No. 810 are to:

- Allow no more than one licensee of each commercial recreational marijuana activity (production, processing, wholesale, retail, testing, or laboratory) per tax lot.
- Prohibit all commercial recreational marijuana business activity in the Future Development Districts (FD-10 and FD-20).
- Prohibit outdoor commercial marijuana production in non-residential Transit Oriented Districts.
- Prohibit the manufacture, planting, cultivation, growing, or harvesting of marijuana for commercial recreational marijuana purposes in residential land use districts of urban unincorporated Washington County.
- Require a Type II land use review for new buildings associated with commercial recreational marijuana activity in non-residential land use districts of the urban unincorporated area.
- Require an air filtration system (or functional equivalent) for indoor commercial recreational marijuana growing and processing.
- Apply setback requirements of 50 feet for outdoor commercial recreational marijuana growing operations outside the UGB.
- Incorporate new rulemaking language from the State Department of Land Conservation and Development specific to marijuana activity on EFU lands.
- Minor technical changes.

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

The County is also required to make findings that the amendments are consistent with the requirements of Metro's Urban Growth Management Functional Plan (UGMFP). These findings are addressed in this document.

Part 2:
STATEWIDE PLANNING GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that B-Engrossed Ordinance No. 810 is consistent with Statewide Planning Goals (Goals), Oregon Revised Statutes (ORS), Oregon Administrative Rule (OAR) requirements, Metro's Urban Growth Management Functional Plan (UGMFP), and Washington County's Comprehensive Plan (Plan). The County's Plan was adopted to implement the aforementioned planning documents and was acknowledged by the State of Oregon. The County follows the post-acknowledgement plan amendment (PAPA) process to update the Plan with new state and regional regulations as necessary and relies in part upon these prior state review processes to demonstrate compliance with all necessary requirements. No goal compliance issues were raised in the hearing proceedings described below. In addition, none of the proposed changes to the map and text of the Plan implicate a goal compliance issue. The following precautionary findings are provided to demonstrate ongoing compliance.

Goal 1 - Citizen Involvement

Goal 1 addresses Citizen Involvement by requiring the implementation of a comprehensive program to stimulate citizen participation in the planning process. Washington County has an acknowledged citizen involvement program that provides a range of opportunities for citizens and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the County's Charter sets forth specific requirements for citizen involvement during review and adoption of land use ordinances. Washington County has followed these requirements for the adoption of B-Engrossed Ordinance No. 810.

Goal 2 - Land Use Planning

Goal 2 addresses Land Use Planning by requiring an adequate factual base to support a decision as well as coordination with affected governmental entities. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Plan, which includes documents such as the Rural/Natural Resource Plan,

Comprehensive Framework Plan for the Urban Area (CFP), Community Plans, Community Development Code (CDC), and Transportation System Plan (TSP). Washington County utilized this process to adopt B-Engrossed Ordinance No. 810.

Notice was coordinated with all affected governmental entities and comments received regarding B-Engrossed Ordinance No. 810 were addressed either as part of the proceedings or with subsequent staff coordination.

Goal 3 - Agricultural Lands

Goal 3 seeks to preserve and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products, forest and open space, and with the state's agricultural land use policies. Implementing Strategies (a) and (f) found in Policy 15 of the Rural/Natural Resource Plan includes provisions for the preservation of agricultural lands.

Implementing Strategy (a) requires the conservation of agricultural lands through the adoption of an Exclusive Farm Use (EFU) zone, pursuant to ORS 215.243. Creation of a County EFU District occurred in 1982 through Ordinance No. 223. In 1983 amendments to the County Agricultural and Forest – 20-Acre Minimum District (AF-20) were adopted through Ordinance No. 279 that reflect this district as a second County EFU zone. Implementing Strategy (f) allows for non-farm uses and activities on lands subject to Goal 3 when not in conflict with agricultural or forestry activities, pursuant to permitted uses listed at ORS 215.213.

The production and processing of marijuana is subject to the state's right-to-farm laws found at ORS 30.930. Oregon House Bill 3400, effective June 30, 2015, classified marijuana as a crop for the purposes of farm use, as defined in ORS 215.203. EFU lands used for the growing and processing of marijuana will remain in agricultural use as defined in state law. Loss of agricultural lands other than for building construction associated with the farm use is expected to be minimal as a result of B-Engrossed Ordinance No. 810.

Land available for agricultural use will be maintained through the state and county prohibition of obtaining new farm dwellings in Exclusive Farm Use zones in conjunction with commercial marijuana activity, pursuant to ORS 475B.370. Amendments to enact this state requirement are included in this ordinance.

The amendments are consistent with the County's acknowledged policies and strategies for conserving agricultural land as required by Goal 3.

Goal 4 – Forest Lands

Goal 4 addresses the conservation of forest lands by maintaining the forest land base and protecting the state's forest economy by making possible economically efficient forest practices. Policy 16, Implementing Strategies (a) and (c) of the Rural/Natural Resource Plan include provisions for the conservation and maintenance of forest lands.

Implementing Strategy (a) calls for an Exclusive Forest and Conservation Land Use District (EFC) that retains land for commercial forest management and protection of sensitive areas, in

accordance with LCDC Goal 4 and applicable state law. Implementing Strategy (c) limits uses provided on forest lands to uses found in OAR 660, Division 6.

Division 6 (OAR 660-006-0025) authorizes farm uses on forest lands subject to Goal 4 requirements. Oregon House Bill 3400, effective June 30, 2015, classified marijuana as a crop for the purposes of farm use, as defined at ORS 215.203. As proposed in B-Engrossed Ordinance No. 810, commercial marijuana production would be considered under ministerial review in the County's EFC District.

As of September 16, 2016, the County had received one hundred thirty-four (134) of the required Land Use Compatibility Statements (LUCS) from individuals intending to produce marijuana inside and outside the urban growth boundary of unincorporated Washington County. Fifty-three (53) LUCS requests indicate a desire to produce marijuana commercially in the EFC District. Of the 53 future marijuana production sites in the EFC District, 31 are individual licensees located on the same tax lot and six (6) are located on a separate tax lot. Hence, seventy (70) percent of future locations for producing marijuana in the EFC District are located on two tax lots.

Staff believes that the peak of County LUCS requests has already occurred given the Oregon Liquor Control Commission's generally first-in, first-out approval process for reviewing application requests and issuing licenses that began January 4, 2016. Additionally, growers in particular have noted in communication with staff and in public media a desire to become established prior to potential market saturation and loss of market share. At the County, LUCS requests on average have diminished from a peak in spring 2016 to roughly 3-5 LUCS requests per week since July 2016.

Based on this trend in LUCS requests overall, and the majority of LUCS requests for marijuana production being located on valley farm land, staff believes a minimal loss of commercial timber land is expected through any additional requests to grow commercial marijuana in the EFC District as a result of passage of B-Engrossed Ordinance No. 810.

The amendments are consistent with the County's acknowledged policies and strategies for conserving commercial forest lands as required by Goal 4.

Goal 9 – Economic Development

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

The commercial recreational marijuana market became legal in Oregon as of January 1, 2016. B-Engrossed Ordinance No. 810 will allow new economic opportunity for individuals throughout Washington County engaged in production, processing, wholesale, and retail commercial marijuana business activity. Commercial marijuana business activity in the rural area is expected to provide economic opportunity to rural residents while limiting potential impacts to

existing farm and forest uses through requirements that they be rural in character and not require urban services.

The amendments are consistent with the County's acknowledged policies and strategies for strengthening the local economy as required by Goal 9.

Part 3:

URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN FINDINGS

Section 3.07.810 of Title 8 of Metro's Urban Growth Management Functional Plan (UGMFP) requires that County Comprehensive Plan changes be consistent with the UGMFP. The following B-Engrossed Ordinance No. 810 findings have been prepared to address Title 8 of the UGMFP.

Title 8 - Compliance Procedures

Title 8 sets forth Metro's procedures for determining compliance with the UGMFP. Included in this title are steps local jurisdictions must take to ensure that Metro has the opportunity to review amendments to comprehensive plans. Title 8 requires jurisdictions to submit notice to Metro at least 35 days prior to the first evidentiary hearing for a proposed amendment to a comprehensive plan.

RESPONSE

Consistent with Title 8, a copy of proposed Ordinance No. 810 was mailed to Metro on May 5, 2016, 41 days prior to the first evidentiary hearing.