



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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

Date: January 14, 2016  
Jurisdiction: City of La Grande  
Local file no.: 03-ZON-14  
DLCD file no.: 001-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 01/12/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

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

### Appeal Procedures

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

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

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

### DLCD Contact

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



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

<b>FOR DLCD USE</b>
File No.: 001-16 {24220}
Received: 1/12/2016

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

Jurisdiction: City of La Grande

Local file no.: **03-ZON-14**

Date of adoption: Expired/Void

Date sent: 1/12/2016

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

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 06-04-2015

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:

**While the request is the same, the City of La Grande City Council has decided to take no further action and to allow the moratorium to expire and become null and void.**

Local contact (name and title): Michael Boquist

Phone: 541-962-1307

E-mail: [mboquist@cityoflagrande.org](mailto:mboquist@cityoflagrande.org)

Street address: 1000 Adams Avenue/PO Box 670

City: La Grande

Zip: 97850-

### 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:

None. This Notice pertains to a proposed moratorium, pursuant to ORS 197.520.

**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): City Wide

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:

None. This Notice pertains to a proposed moratorium, pursuant to ORS 197.520.

**For a change to a zoning map:**

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

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

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

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

List affected state or federal agencies, local governments and special districts: City of La Grande

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.

The City Council has decided not to take further action on the moratorium with the understanding that by doing so, the moratorium would expire and become null and void. However, by separate action the City Council took advantage of provisions in HB 3400 and adopted an Ordinance to ban all medical mj processing sites, medical mj dispensaries, recreational mj dispensaries, recreational mj processors, recreational mj wholesalers and recreational mj retailers. A copy of such Ordinance is attached.

CITY OF LA GRANDE  
ORDINANCE NUMBER 3228  
SERIES 2015

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, UNION COUNTY,  
OREGON, DECLARING A BAN ON MEDICAL MARIJUANA PROCESSING SITES, MEDICAL  
MARIJUANA DISPENSARIES, RECREATIONAL MARIJUANA PRODUCERS,  
RECREATIONAL MARIJUANA PROCESSORS, RECREATIONAL MARIJUANA  
WHOLESALEERS, AND RECREATIONAL MARIJUANA RETAILERS**

WHEREAS, Section 133, Chapter 614, Oregon Laws 2015 (HB 3400) allows a city to prohibit various establishments relating to the producing, processing, wholesaling, selling, and dispensing of marijuana if not less than 55% of votes cast in the county in which the city is located during the statewide general election held on November 4, 2014 were in opposition to Ballot Measure 91, Chapter 1, Oregon Laws 2015 (the "Ballot Measure"); and

WHEREAS, the City of La Grande ("City") is located in Union County, Oregon ("County") and 59.04% of votes cast in Union County during the statewide general election, held on November 4, 2014, were in opposition to the Ballot Measure; and

WHEREAS, the issue of whether a local government believes a certain type of business should operate within its jurisdictional limits is a local government decision, the enforcement of which is subject to the general and police powers of that jurisdiction; and

WHEREAS, the La Grande City Council (the "Council") believes it is in the best interests of the health, safety, and welfare of City's citizens to prohibit (ban) marijuana establishments relating to the producing, processing, wholesaling, selling, and/or dispensing of marijuana within City's jurisdictional limits.

NOW, THEREFORE, THE CITY OF LA GRANDE ORDAINS AS FOLLOWS:

Section 1.     FINDINGS. The above-stated findings are hereby adopted.

Section 2.     SHORT TITLE. This Ordinance may be referred to as the "Marijuana Banning Ordinance" and will be cited and referred to herein as this "Ordinance."

Section 3.     PURPOSE. The purpose of this Ordinance is to minimize any adverse public safety and health impacts that may result from allowing marijuana establishments to operate in City's jurisdictional limits.

Section 4.     DEFINITIONS.

Marijuana means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seed of the plant Cannabis family Cannabaceae.

Marijuana processing site means an entity registered with the Oregon Health Authority ("OHA") to process marijuana.

Marijuana processor means an entity licensed by the Oregon Liquor Control Commission ("OLCC") to process marijuana.

Marijuana producer means an entity licensed by OLCC to manufacture, plant, cultivate, grow, or harvest marijuana.

Marijuana retailer means an entity licensed by OLCC to sell marijuana items to a consumer in this state.

Marijuana wholesaler means an entity licensed by OLCC to purchase items in this state for resale to a person other than a customer.

Medical marijuana dispensary means an entity registered with OHA to transfer marijuana.

Section 5. BAN DECLARED. City hereby prohibits (bans) the establishment of the following in any area subject to City's jurisdiction (collectively, the "Ban"):

- a) Marijuana processing sites required to be registered under Section 85, Chapter 614, Oregon Laws 2015; and,
- b) Medical marijuana dispensaries required to be registered under ORS 475.314; and,
- c) Marijuana producers required to be licensed under Section 19, Chapter 1, Oregon Laws 2015; and,
- d) Marijuana processors required to be licensed under Section 20, Chapter 1, Oregon Laws 2015; and,
- e) Marijuana wholesalers required to be licensed under Section 21, Chapter 1, Oregon Laws 2015; and
- f) Marijuana retailers required to be licensed under Section 22, Chapter 1, Oregon Laws 2015.

Section 6. REGISTERED MEDICAL MARIJUANA DISPENSARIES; APPLICABLE LAWS.

6.1 Dispensary Registration. Notwithstanding Section 5 of this Ordinance, a medical marijuana dispensary is not subject to the ban provided under Section 5 of this Ordinance if the dispensary provides City documentation demonstrating the following: (a) the dispensary is registered with the state under ORS 475.314 on or before the date City has adopted this Ordinance, or that it had applied to be registered by July 1, 2015; (b) the dispensary has submitted to City a completed land use application for a medical marijuana dispensary; and (c) OHA has not revoked the dispensary's registration.

6.2 Compliance with Applicable Laws. Notwithstanding anything contained in this Ordinance to the contrary, a dispensary permitted under Section 6.1 of this Ordinance must at all times be operated in strict compliance with ORS 475.300-475.346; OAR Chapter 333, Division 8; this Ordinance, City Ordinance Number 3215, Series 2014, and City Ordinance Number 3227, Series 2015; all land use/development, building, and fire codes; and all other federal, state, and local laws, regulations, and ordinances, whether now existing or hereafter adopted or amended, including, without limitation, those directly or indirectly relating to medical marijuana, including the payment of all fines, fees, and taxes owing to City.

Section 7. REGISTERED MARIJUANA PROCESSING SITES; APPLICABLE LAWS.

7.1 Processing Site Registration. Notwithstanding Section 5 of this Ordinance, a marijuana processing site is not subject to the ban provided under Section 5 of this Ordinance if it provides to City documentation demonstrating the following: (a) the processing site is registered with the state under Section 85, Chapter 614, Oregon Laws 2015 on or before the date City adopted this Ordinance; (b) the processing site has submitted to City a completed land use application for a marijuana processing site; (c) the person responsible for the marijuana processing site or applying to be the person responsible for the processing site was registered under ORS 475.300 to 475.346 on or before July 1, 2015; (d) the person responsible for the marijuana processing site or applying to be the person responsible for the processing site was processing useable marijuana as described in Section 85(1), Chapter 614, Oregon Laws 2015 on or before July 1, 2015; and (e) OHA has not revoked the processing site's registration.

7.2 Compliance with Applicable Laws. Notwithstanding anything contained in this Ordinance to the contrary, a processing site permitted under Section 7.1 of this Ordinance must at all times be operated in strict compliance with Section 85, Chapter 614, Oregon Laws 2015; OAR Chapter 333, Division 8 and any rule promulgated by OHA governing processing sites; this Ordinance; all land use/development, building, and fire codes; and all other federal, state, and local laws, regulations, and ordinances, whether now existing or hereafter adopted or amended, including, without limitation, those directly or indirectly relating to marijuana, including the payment of all fines, fees, and taxes owing to City.

Section 8. BAN APPLICATION. The Ban imposed under this Ordinance applies to any City decision, action, and/or recommendation, including, without limitation, the issuance of building permits, land use permits, business and regulatory licenses, and/or any other form of approval. This Ban extends to any OHA decision acting under ORS 475.314, as amended, or Section 85, Chapter 614, Oregon Laws 2015. This Ban extends to any OLCC decision acting under Sections 19, 20, 21, or 22, Chapter 1, Oregon Laws 2015.

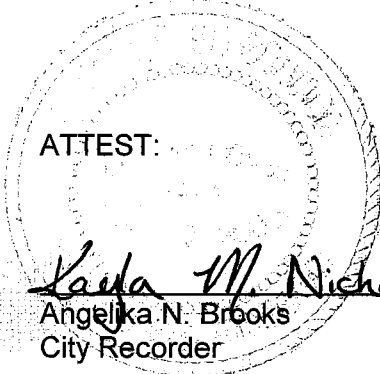
Section 9. ENFORCEMENT; PENALTIES. This Ordinance will be enforced by any sworn peace officer authorized to enforce the laws of City and any other City official authorized to administer City's land use, development, nuisance, and/or building regulations. In addition, City may initiate appropriate suit or legal action in a court of competent jurisdiction to enforce this Ordinance. Any violation of this Ordinance is punishable by a fine not to exceed \$500.00 per violation. City will be entitled to collect from any person violating this Ordinance City's attorney fees and other fees, costs, and expenses incurred by City to enforce this Ordinance. Each violation, and each day that a violation continues, constitutes a separate civil infraction. The remedies available under this Ordinance are not exclusive of any other remedies available under any applicable federal, state, and/or local laws, regulations, and/or ordinances. It is within the discretion of City to seek cumulative remedies for a violation of this Ordinance.

Section 10. NOTICE TO OHA; NOTICE TO OLCC. City's city manager or city attorney will notify OHA of City's adoption of this Ordinance and provide the text of this Ordinance to OHA in a form and manner prescribed by OHA. City's city manager or city attorney will notify OLCC of City's adoption of this Ordinance and will provide the text of this Ordinance to OLCC in a manner prescribed by OLCC.

Section 11. INTERPRETATION; SEVERABILITY; ERRORS. This Ordinance repeals and supersedes all ordinances, resolutions, and/or policies insofar as they are in conflict with this Ordinance, including, without limitation, City's marijuana facilities time, place, and manner ordinance, La Grande Ordinance Number 3215, Series 2014. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. Any reference to a particular law, rule, regulation, code, or ordinance includes the law, rule, regulation, code, or ordinance as now in force and which may hereafter be amended. The provisions of this Ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the Council to cure editorial and/or clerical errors.

Section 12. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after its adoption by the City Council of the City of La Grande, Oregon, specifically, November 6, 2015.

APPROVED AND ADOPTED on this Seventh (7<sup>th</sup>) day of October, 2015, by Five (5) of Six (6) councilors present and voting in the affirmative.



  
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Gary Lillard, Mayor Pro Tem

APPROVED AS TO FORM AND CONTENT

Reviewed Prior to Adoption  
Jeremy M. Green  
Legal Counsel for the City of La Grande