



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: January 20, 2016

Jurisdiction: City of Roseburg

Local file no.: LUDO 15-3

DLCD file no.: 006-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 01/14/2016. 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 39 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.: 006-15 {24096}

Received: 1/14/2016

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 Roseburg

Local file no.: **LUDO-15-3**

Date of adoption: 1/11/2016

Date sent: 1/14/2016

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): 10/23/2015

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:

No

Local contact (name and title): Brian Davis, Community Development Director

Phone: 541-492-6750

E-mail: bdavis@cityofroseburg.org.

Street address: 900 SE Douglas Ave.

City: Roseburg

Zip: 97471-

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

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:

Land Use Development Ordinance Section 1.1.110 Definitions, 2.4.020 Commercial Uses, 2.7.020 Industrial Uses

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: Oregon Health Authority, Oregon Liquor Control Commission.

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. 3455

**AN ORDINANCE AMENDING THE ROSEBURG LAND USE AND DEVELOPMENT
ORDINANCE FOR THE PROVISION OF RECREATIONAL MARIJUANA USES**

WHEREAS, after reviewing the recommendation of the Planning Commission and conducting a Public Hearing on November 30, 2015, and

WHEREAS, Section 5.2.090 states it may be necessary to amend the Land Use and Development Ordinance text from time-to-time to meet changes in circumstances and conditions;

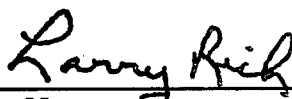
**NOW, THEREFORE, THE CITY OF ROSEBURG HEREBY ORDAINS AS
FOLLOWS:**

SECTION 1: On the basis of the facts contained in the record, the City Council finds there is sufficient justification and need to accept the Planning Commission recommendation and hereby adopts as its own the Findings of Fact of the Planning Commission which are included herein by this reference.

SECTION 2: Land Use and Development Ordinance No. 2363, originally adopted June 28, 1982, and amended at various times thereafter, is hereby amended to read and provide as set forth in Exhibit 1 attached hereto and incorporated herein by this reference as if it were set forth verbatim in full.

PASSED BY THE COUNCIL THIS 11TH DAY OF JANUARY 2016

APPROVED BY THE MAYOR THIS 11TH DAY OF JANUARY 2016



Larry Rich, Mayor

ATTEST:



Sheila R. Cox, City Recorder

LUDO TEXT AMENDMENTS

SECTION 1.1.110 DEFINITIONS

- 98) **MARIJUANA, MEDICAL DISPENSARY:** Any facility or operation designed, intended or used for purposes of delivering, dispensing, or transferring marijuana to Oregon Medical Marijuana Registry Identification Card holders pursuant to ORS 475.300-475.346.
- 99) **MARIJUANA PROCESSOR—MEDICAL:** A person who processes marijuana in accordance with Oregon Laws 2015, Chapter 614 for medicinal purposes pursuant to ORS 475-300-475.346.
- 100) **MARIJUANA PROCESSOR—RECREATIONAL:** A person who processes marijuana in accordance with Oregon Laws 2015, Chapter 614 for recreational purposes.
- 101) **MARIJUANA PRODUCER:** A person who produces marijuana in accordance with Oregon Laws 2015, Chapter 614.
- 102) **MARIJUANA RETAILER:** A person who sells marijuana items to a consumer in accordance with Oregon Laws 2015, Chapter 614.
- 103) **MARIJUANA WHOLESALER:** A person who purchases marijuana items for resale to a person other than a consumer in accordance with Oregon Laws 2015, Chapter 614.

(remainder of definitions in Section 1.1.110 to be renumbered starting from 104)

TABLE 2-7: COMMERCIAL – ALLOWED USES

| USE CATEGORY | PO | C1 | C2 | C3 | STANDARDS |
|--|----|----|------|------|-----------|
| Specific Use | | | | | |
| 49) Marijuana, Medical Dispensary | - | - | P[8] | P[8] | - |
| 50) Marijuana Retailer | | | P[8] | P[8] | - |
| (remainder of uses in Table 2-7 to be renumbered starting from 51) | | | | | |

- [1] Dwelling unit above or behind a permitted use.
 [2] Within an existing residential use.
 [3] Uses under this category must be limited to customer or client traffic of 20 persons per day.
 [4] Limited to 1,500 square feet in area.
 [5] Limited to 2,500 square feet in area.
 [6] Limited to 25,000 square feet in area.
 [7] Limited to 5,000 square feet in area.
 [8] Location shall not be within 1000 feet of a school or pre-school; 500 feet from any property zoned Public Reserve or 200 feet from any property zoned Residential except when an arterial street lies between a dispensary and Residential or Public Reserve zoned property. A marijuana retailer (non-medical) shall not be within 1000 feet of another marijuana retailer; a medical marijuana dispensary shall not be within 1000 feet of another medical marijuana dispensary. In addition, any and all Medical Marijuana Dispensaries must be registered with the Oregon Health Authority under ORS 475.314 and comply with all OHA rules. In addition, any and all Marijuana Retailers must be licensed by OLCC and comply with all OLCC rules.

TABLE 2-13: INDUSTRIAL – ALLOWED USES

| USE CATEGORY | MU | M1 | M2 | M3 | STANDARDS |
|---|------|----|----|----|-----------------|
| Specific Use | | | | | |
| 50) Marijuana, Medical Dispensary | P[2] | - | - | - | - |
| 51) Marijuana Processor—Medical | C | C | C | - | Indoor use only |
| 52) Marijuana Processor—Recreational | C | C | C | - | Indoor use only |
| 53) Marijuana Producer | C | C | C | - | Indoor use only |
| 54) Marijuana Retailer | P[2] | - | - | - | - |
| 55) Marijuana Wholesaler | C | C | C | - | Indoor use only |
| (remainder of uses in Table 2-13 to be renumbered starting from 56) | | | | | |

- [1] Minimum lot size of 10,000 square feet.
 [2] Location shall not be within 1000 feet of a school or pre-school; 500 feet from any property zoned Public Reserve or 200 feet from any property zoned Residential except when an arterial street lies between a dispensary and Residential or Public Reserve zoned property. A marijuana retailer (non-medical) shall not be within 1000 feet of another marijuana retailer; a medical marijuana dispensary shall not be within 1000 feet of another medical marijuana dispensary. In addition, any and all Medical Marijuana Dispensaries must be registered with the Oregon Health Authority under ORS 475.314 and comply with all OHA rules. In addition, any and all Marijuana Retailers must be licensed by OLCC and comply with all OLCC rules.
 [3] A Professional Office may be located within a multiple-use structure but it shall not exceed 33% of the total floor area of the structure.
 [4] Uses permitted in the M1 and M2 districts may be considered providing the development standards referenced in Table 2-14 and any other applicable standards are met.

LUDO TEXT AMENDMENTS

SECTION 1.1.110 DEFINITIONS

98) ~~MEDICAL—MARIJUANA, MEDICAL~~ DISPENSARY: Any facility or operation designed, intended or used for purposes of delivering, dispensing, or transferring marijuana to Oregon Medical Marijuana Registry Identification Card holders pursuant to ORS 475.300-475.346.

99) ~~MARIJUANA PROCESSOR—MEDICAL:~~ A person who processes marijuana in accordance with Oregon Laws 2015, Chapter 614 for medicinal purposes pursuant to ORS 475-300-475.346.

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101) ~~MARIJUANA PRODUCER:~~ A person who produces marijuana in accordance with Oregon Laws 2015, Chapter 614.

102) ~~MARIJUANA RETAILER:~~ A person who sells marijuana items to a consumer in accordance with Oregon Laws 2015, Chapter 614.

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TABLE 2-7: COMMERCIAL – ALLOWED USES

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|--|----|----|-------------|-------------|-----------|
| Specific Use | | | | | |
| 49) Medical Marijuana, <u>Medical</u> Dispensary | - | - | P[8] | P[8] | - |
| <u>50) Marijuana Retailer</u> | | | <u>P[8]</u> | <u>P[8]</u> | <u>-</u> |
| (remainder of uses in Table 2-7 to be renumbered starting from 51) | | | | | |

- [1] Dwelling unit above or behind a permitted use.
[2] Within an existing residential use.
[3] Uses under this category must be limited to customer or client traffic of 20 persons per day.
[4] Limited to 1,500 square feet in area.
[5] Limited to 2,500 square feet in area.
[6] Limited to 25,000 square feet in area.
[7] Limited to 5,000 square feet in area.
[8] Location shall not be within 1000 feet of ~~another medical marijuana dispensary~~, a school or pre-school; 500 feet from any property zoned Public Reserve or 200 feet from any property zoned Residential except when an arterial street lies between a dispensary and Residential or Public Reserve zoned property. A marijuana retailer (non-medical) shall not be within 1000 feet of another marijuana retailer; a medical marijuana dispensary shall not be within 1000 feet of another medical marijuana dispensary. In addition, any and all Medical Marijuana Dispensaries must be registered with the Oregon Health Authority under ORS 475.314 and comply with all OHA rules. In addition, any and all Marijuana Retailers must be licensed by OLCC and comply with all OLCC rules.

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|---|-------------|----------|----------|----------|------------------------|
| Specific Use | | | | | |
| 50) Medical Marijuana, <u>Medical</u> Dispensary | P[2] | - | - | - | - |
| <u>51) Marijuana Processor—Medical</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>-</u> | <u>Indoor use only</u> |
| <u>52) Marijuana Processor—Recreational</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>-</u> | <u>Indoor use only</u> |
| <u>53) Marijuana Producer</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>-</u> | <u>Indoor use only</u> |
| <u>54) Marijuana Retailer</u> | <u>P[2]</u> | <u>-</u> | <u>-</u> | <u>-</u> | <u>-</u> |
| <u>55) Marijuana Wholesaler</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>-</u> | <u>Indoor use only</u> |
| (remainder of uses in Table 2-13 to be renumbered starting from 56) | | | | | |

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[3] A Professional Office may be located within a multiple-use structure but it shall not exceed 33% of the total floor area of the structure.
[4] Uses permitted in the M1 and M2 districts may be considered providing the development standards referenced in Table 2-14 and any other applicable standards are met.



ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

Recreational Marijuana Use Regulations LUDO File No. 15-3

Meeting Date: December 14, 2015
Department: Community Development
www.cityofroseburg.org

Agenda Section: Department Items
Staff Contact: Brian Davis
Contact Telephone Number: 541-492-6750

ISSUE STATEMENT AND SUMMARY

The Council directed Staff to propose amendments to the Land Use and Development Ordinance to provide limited and appropriate zoning use locations for recreational marijuana within the City.

BACKGROUND

A. Council Action History:

October 13, 2015 – Council decided not to refer a city-wide ban on recreational marijuana to the voters and directed staff to prepare land use regulations to allow such use to be in place by January 1, 2016.

B. Analysis:

Oregon voters approved Ballot Measure 91 which legalized the use of marijuana products for recreational purposes. The City Council directed Staff to propose amendments to the Land Use and Development Ordinance (LUDO) for adoption prior to January 1, 2016. The amendments would provide limited zoning allowances for recreational marijuana uses. The proposed LUDO amendments are as follows:

1. Adding use definitions to include marijuana processors, producers, retailers, and wholesalers in accordance with Oregon Laws 2015, Chapter 614.

2. Adding zoning provisions as follows:

Marijuana retailers: allowed in Mixed Use, General Commercial and Community Commercial Zones with the same proximity limitations as medical marijuana dispensaries (1000 feet of each other, a school or pre-school; 500 feet from any property zoned Public Reserve or 200 feet from any property zoned Residential except when an arterial street lies between a dispensary and Residential or Public Reserve zoned property).

Marijuana processors, producers, and wholesalers: allowed in Mixed Use, Medium Industrial, and Light Industrial Zones as a conditional use and limited to indoor use.

The attached Findings of Fact and Order document provides the proposed justification for the text amendment allowing the proposed marijuana uses on the limited scale listed above.

C. Financial and/or Resource Considerations:

None at this time

D. Timing Issues:

The City must have regulations in place by January 1, 2016.

COUNCIL OPTIONS

1. Adopt the Planning Commission's findings of fact for File No. LUDO 15-3 and proceed with first reading of the ordinance
2. Do not adopt Planning Commission's findings

STAFF RECOMMENDATION

Staff recommends adopting the Planning Commission's findings of fact for File No. LUDO 15-3 and proceeding with first reading of the ordinance.

SUGGESTED MOTION

"I move to adopt Findings of Fact approved by the Planning Commission for File No. LUDO 15-3."

A nodding of the heads will be required to proceed with first reading of the ordinance.

ATTACHMENTS

Planning Commission Minutes (Draft)
Ordinance and Findings of Fact