



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: June 06, 2016

Jurisdiction: City of Bend

Local file no.: 16-0230

DLCD file no.: 004-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 06/06/2016. 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 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



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

FOR DLCD USE

File No.: 004-16 {24343}

Received: 6/6/2016

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 Bend

Local file no.: **16-0230**

Date of adoption: 06/01/16

Date sent: 6/6/2016

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): 04/20/16

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:

There are no changes from the notice sent on 04/20/16

Local contact (name and title): Pauline Hardie, Senior Code Planner

Phone: 541-693-2153

E-mail: phardie@bendoregon.gov

Street address: 710 NW Wall Street

City: Bend

Zip: 97701-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY**For a change to comprehensive plan text:**

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

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

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

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:

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:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

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

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:

The information with this notice includes the adopted City Council Ordinance with exhibits of the adopted text amendments and findings.

ORDINANCE NO. NS 2265

AN ORDINANCE AMENDING BDC CHAPTER 1.2 DEFINITIONS, CHAPTER 2.2 COMMERCIAL ZONING DISTRICTS, CHAPTER 2.3 MIXED-USE ZONING DISTRICTS, AND CHAPTER 3.6 SPECIAL STANDARDS FOR CERTAIN USES FOR MARIJUANA BUSINESSES

Findings:

- A. The application was submitted in accordance with BDC 4.1.500. Timely and sufficient notice pursuant to Section 4.1.515 of the Bend Development Code was provided.
- B. The Planning Commission reviewed the proposed amendments during a work session on April 11, 2016 and held a public hearing on April 25, 2016 to accept testimony on the request. At the conclusion of the hearing, the Planning Commission voted to recommend the proposed text amendments be approved by the City Council.
- C. Notice of the City Council public hearing was published in the Bend Bulletin on April 24, 2016 and sent to the neighborhood associations on April 22, 2016.
- D. The Bend City Council held a public hearing on May 18, 2016 to accept evidence, receive public testimony and consider the Planning Commission's recommendation. The City Council found that the text amendments satisfy the criteria for approval contained in Section 4.6.200 of the Bend Development Code and voted on the amendments to the Bend Development Code.

Based on these findings, THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. Bend Development Code Chapter 1.2 Definitions, Chapter 2.2 Commercial Zoning Districts, Chapter 2.3 Mixed-Use Zoning Districts, and Chapter 3.6 Special Standards for Certain Uses for Marijuana Businesses as shown below in Exhibit A.

Section 2. In addition to the findings set forth above, the City Council adopts the findings in Exhibit B.

First Reading: May 18, 2016

Second reading and adoption by roll call vote: June 1, 2016

YES: Jim Clinton, Mayor
Doug Knight
Victor Chudowsky
Sally Russell
Nathan Boddie
Casey Roats
Barb Campbell

No: None



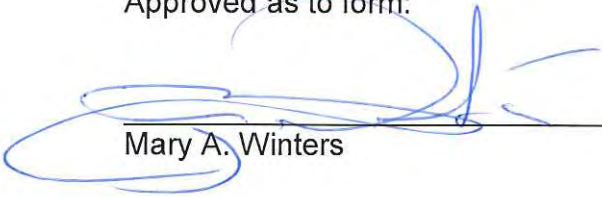
Jim Clinton, Mayor

Attest:



Robyn Christie, City Recorder

Approved as to form:



Mary A. Winters

Exhibit A

Development Code Update Draft

Prepared by:

City of Bend Planning Division

Note:

Text in underlined typeface is proposed to be added

Text in strikethrough typeface is proposed to be deleted.

***Indicates where text from the existing code has been omitted because it will remain unchanged.

Bend Development Code Chapter 1.2

Definition

Marijuana business means an establishment operated by any person or entity who is or will be appropriately licensed by the Oregon Health Authority or the Oregon Liquor Control Commission, which sells, produces, cultivates, grows, wholesales, processes, researches, develops or tests medical marijuana or recreational adult use marijuana within the City of Bend.

Marijuana producing means the manufactureing, planting, cultivation, growing, or harvesting of ~~retail~~ recreational marijuana as licensed by the Oregon Liquor Control Commission.

Marijuana ~~recreational~~ retailer means a person or entity licensed by the Oregon Liquor Control Commission to sell marijuana items to a consumer in this State. ~~"Marijuana retailer" is also referred to as "recreational retail facility" or a "marijuana recreational facility."~~

Chapter 2.2
COMMERCIAL ZONING DISTRICTS (CB, CC, CL, CG)

Table 2.2.300 – Permitted and Conditional Uses

Land Use	CB	*CC	CL	CG
* Medical Marijuana Dispensary and Marijuana Recreational Retailer				
– building footprint 50,000 square feet or less	P	P	P	P
– building footprint greater than 50,000 square feet	P	C	P	P

Chapter 2.3
MIXED-USE ZONING DISTRICTS (ME, MR AND PO)

Table 2.3.200

Land Use	ME	MR	PO
* Medical Marijuana Dispensary and Marijuana Recreational-Retailer			
• not to exceed 50,000 sq. ft. ground floor	P	P	N
• not to exceed 75,000 sq. ft. ground floor for ME zoned property five acres or greater	P	N	N
<u>Marijuana Grow Sites and Marijuana Producing</u>	<u>P</u>	<u>N</u>	<u>N</u>
* Marijuana Processing of Cannabinoid Concentrates and Cannabinoid Products Not Including Processing of Cannabinoid Extracts.	P	P	N
<u>Marijuana Processing of Cannabinoid Extracts</u>	<u>P</u>	<u>N</u>	<u>N</u>

Permitted and Conditional Uses

Chapter 3.6

SPECIAL STANDARDS AND REGULATIONS FOR CERTAIN USES

3.6.300 Nonresidential Uses.

P. Marijuana Businesses.

1. Purpose. The purpose of this section is to reasonably regulate those who are engaged in the retail sale, producing, growing, processing, wholesaling and testing of medical and recreational marijuana, consistent with State law, in the City of Bend, and to:
 - a. Protect the general health, safety, property, and welfare of the public;
 - b. Balance the right of individuals to produce and access marijuana and marijuana derivatives consistent with State law, with the need to minimize adverse impacts to nearby land uses, residents, property owners and businesses that may result from the production, storage, distribution, sale, and/or use of marijuana and derivatives;
 - c. Adopt reasonable time, place and manner restrictions on both medical and recreational dispensaries tied to specific community impacts;
 - d. Prevent or reduce criminal activity that may result in harm to persons or property;
 - e. Limit the exposure of minors to the commercial aspects of marijuana;
 - f. Prevent or reduce diversion of State-licensed marijuana and marijuana derivatives to minors; and
 - g. Minimize impacts to the City's public safety services by reducing calls for service.
2. Applicability.
 - a. The provisions of this section apply to marijuana businesses within the Bend City limits.
 - b. Relationship to Other Development Standards. Marijuana businesses must comply with all of the standards of this section and all applicable State laws and regulations.

3. Procedure.

- a. All new marijuana businesses must be reviewed through Site Plan Review, Minimum Development Standards Review and/or a Conditional Use Permit Review to ensure the standards of this section and other relevant portions of this code are met. Marijuana businesses are not eligible for the Minimum Development Standards Review exemption of BDC 4.2.400(B)(2).
- b. The City will require a proof of a license from the State (either OHA or OLCC) confirming the security plan and all other required improvements, prior to final occupancy.

4. Standards for Medical Marijuana Dispensaries and Retail Marijuana Retailers.

- a. Permitted. Medical marijuana dispensaries and marijuana ~~recreational facilities~~ retailers are permitted in all CB, CC, CI, CG, ME and MR zoning districts (unless listed as a conditional use, and subject to size limitations). See use tables in BDC Title 2.
- b. Co-Location of Medical Marijuana Dispensaries and Marijuana Recreational Facilities-Retailers. Medical marijuana ~~D~~dispensaries and ~~facilities~~ marijuana retailers selling medical and ~~retail~~ recreational marijuana may co-locate only during such time and selling the product as allowed by State law and regulation.
- c. Medical Marijuana Dispensaries and Marijuana ~~Recreational Facilities~~ Retailers and Proximity to Other Land Uses.
 - i. The distance limitations and definition established by this section shall control over the minimum distance limitations set forth by the State of Oregon.
 - ii. The distance limitations are based upon the uses surrounding the proposed medical marijuana dispensary or ~~facility~~ marijuana retailer site on the date the development application is submitted.
 - iii. A medical marijuana dispensary or ~~facility~~ marijuana retailer shall not be located within the specified proximity of any of the uses listed below. For purposes of this paragraph, the distance specified is a straight line measurement from the closest points between property lines of the affected properties.

- d. Medical Marijuana Dispensaries. No medical marijuana dispensary may operate or conduct business within:
- i. One thousand feet of a public or secondary school for which attendance is compulsory under ORS 339.020 (2013); or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a) (2013);
 - ii. One thousand feet of another medical marijuana dispensary;
 - iii. One hundred fifty feet of a licensed child care facility, as defined in BDC Chapter 1.2; or
 - iv. One hundred fifty feet of a Bend ~~p~~Park and ~~r~~Recreation ~~d~~District developed park facility including neighborhood parks, community parks, regional parks, natural areas, urban plazas and community river parks, or an Oregon State Park.
- e. Existing Medical Marijuana Dispensaries.
- i. A medical marijuana dispensary existing as of December 15, 2015, is considered a permitted use regardless if (A) an existing licensed child care facility is located within 150 feet; (B) an existing public or secondary school for which attendance is compulsory under ORS 339.020 (2013), or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a) (2013), is located within 1,000 feet, (C) another medical marijuana dispensary is located within 1,000 feet, or (D) an existing Bend ~~p~~Park and ~~r~~Recreation ~~d~~District developed park facility including neighborhood parks, community parks, regional parks, natural areas, urban plazas and community river parks, or an Oregon State Park is located within 150 feet.
 - ii. A medical marijuana dispensary existing at the time any use listed in subsection (P)(4)(d) of this section is subsequently sited within the specified proximity of the dispensary may remain at that location and is considered a permitted use and not a nonconforming use.
 - iii. An existing medical marijuana dispensary may change to a ~~recreational facility~~ marijuana retailer provided the business complies with applicable State laws and permitted and conditional use tables and this subsection (P).
 - iv. The distance requirements in subsection (P)(4)(d) of this section do not apply for applications for marijuana ~~recreational facilities~~ retailers that meet the following criteria:

- (A) The application is from a medical marijuana dispensary existing as of December 15, 2015;
 - (B) The marijuana ~~recreational facilities~~ retailer's application is for the same address ~~at~~ which the medical marijuana dispensary is currently in operation;
 - (C) The medical marijuana dispensary has no outstanding compliance issues pending with the Oregon Health Authority or the City of Bend;
 - (D) The applicant meets all other requirements of this chapter;
 - (E) The conversion to a marijuana ~~recreational facilities~~ retailer must be finalized no later than December 31, 2016, or, if the OLCC fails to issue ~~recreational-marijuana retailer~~ licenses by November 1, 2016, within 30 days of receiving an OLCC license. In no case may a conversion from ~~medical to recreational~~ a medical marijuana dispensary to a marijuana retailer occur after July 1, 2017. A change from a medical marijuana dispensary to a marijuana ~~recreational facility~~ retailer must be approved by issuance of a Minimum Development Standards decision no later than December 31, 2016. An existing medical marijuana dispensary that converts to ~~recreational-a~~ a marijuana retailer is not eligible for the Minimum Development Standards Review exemption under BDC 4.2.400(B)(2).
- f. Marijuana ~~Recreational Facility-Retailer~~. No marijuana ~~recreational facility-retailer~~ may operate or conduct business within:
- i. One thousand feet of a public or secondary school for which attendance is compulsory under ORS 339.020 (2013); or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a) (2013);
 - ii. One thousand feet of another marijuana ~~recreational facility-retailer~~;
 - iii. One hundred fifty feet of a licensed child care facility, as defined in BDC Chapter 1.2; or
 - iv. One hundred fifty feet of a Bend ~~p~~Park and ~~r~~Recreation ~~d~~District developed park facility including neighborhood parks, community parks, regional parks, natural areas, urban plazas and community river parks, or an Oregon State Park.
- g. Existing Marijuana ~~Recreational Facility-Retailer~~.

- i. A marijuana ~~recreational facility~~ retailer existing at the time any use listed in subsection (P)(4)(f) of this section is subsequently sited within the specified proximity of the ~~facility~~ retailer may remain at that location and is considered a permitted use and not a nonconforming use.
 - ii. An existing ~~recreational facility~~ marijuana retailer may change to a marijuana dispensary provided the business complies with applicable State laws and permitted and conditional use tables and this subsection (P).
 - h. Building Site. The ~~proposed development~~ medical marijuana dispensary or marijuana retail facility must be located and operated completely inside a permanent building. Outdoor storage of any merchandise, plants, or other materials is not allowed.
 - i. Display. All marijuana plants, products, and paraphernalia must be completely screened from view. There must be no marijuana, marijuana product, or marijuana paraphernalia visible from the exterior of the building.
5. Production and Growing of Commercial Marijuana.
- a. ~~Recreational~~ Production of Marijuana. ~~Recreational p~~Production (growing) facilities are prohibited in all residential, commercial and ~~mixed-use~~ MR and PO zoned and designated areas. It is allowed in industrial and ME ~~zoned and~~ designated areas, as further set forth in the use tables in BDC Title 2. Retail marijuana is not permitted at the same facility as ~~industrial~~ production.
 - b. Medical Grow Sites. Medical grow sites are permitted as allowed by State law up to the possession limitations for registered cardholders or designated primary caregivers of the cardholder in all zones.
 - c. The private growing or cultivating of marijuana for noncommercial personal use, as defined by State law, is not regulated by this chapter.

7. Marijuana Processing.
- a. Residential Zones. Marijuana processing is prohibited in residentially zoned and designated areas.
 - b. Marijuana processing of cannabinoid concentrates and cannabinoid products not including processing of cannabinoid extracts is permitted in all CB, CC, CL, CG, ~~ME~~ and MR zoned and designated areas, and in the commercial zoned and designated areas provided the building area is

5,000 square feet or less and the use includes a retail component as identified in the use tables in BDC Title 2. It is permitted conditionally subject to size limitations in the CL zoned and designated areas, and it is permitted in all industrial zoned and designated areas. See use tables. All marijuana processing is subject to Fire Marshal approval.

- c. Marijuana processing of cannabinoid concentrates and cannabinoid products and cannabinoid extracts is allowed ~~only in industrial and ME zoned and designated areas~~, Marijuana processing of cannabinoid extracts is subject to State law and Fire Marshal approval. See use tables in BDC Title 2.

- 10. Marijuana Businesses – Prohibited Uses. In addition to the other prohibitions identified in this section, the following uses or practices are also prohibited:

- c. On-site consumption of marijuana at a licensed medical marijuana dispensary or ~~marijuana recreational facilities~~ retailer unless: (i) the consumption is conducted for testing in compliance with OAR 333-008-1190; or (ii) the consumption is allowed under the medical exception granted in OAR 333-008-1200.
- d. Co-location of medical marijuana dispensaries or marijuana retailers at grow or marijuana producing sites.

- f. Retail medical marijuana dispensaries or ~~marijuana recreational facilities~~ retailers in industrial zones.

- i. Walk-up windows at medical marijuana dispensaries or marijuana retailers in any zone.

- 11. Abandonment of Use.

1. Notwithstanding BDC Chapter 5.2, Nonconforming Uses and Developments, if a marijuana business ceases operations for a period of more than 180 days, all marijuana development approvals will be void with no further proceedings.
2. Failure to continuously maintain the Marijuana Business Operating License as provided in BC Chapter 7.50 will also be considered abandonment of use.

**EXHIBIT B
FINDINGS OF FACT
DEVELOPMENT CODE UPDATE
AMENDMENT PZ 16-0230**

Procedural Findings

The application was initiated by the city in accordance with BDC 4.1.500. Timely and sufficient notice of the public hearings was provided pursuant to BDC 4.1.515. Notice of the proposed amendments was provided to the Department of Land Conservation and Development (DLCD) on March 21, 2016 and a revised notice was provided on April 20, 2016. A notice of the Planning Commission public hearing was published in the Bend Bulletin on March 27, 2016 and sent to the neighborhood associations on March 23, 2016. Staff also emailed the changes to the Development Code Update Committee on April 7, 2016 for their review. Staff also sent a letter to the Marijuana Technical Advisory Committee (MTAC) letting them know about the proposed updates to the Bend Development Code and to the Bend Code. The Planning Commission held a work session on April 11, 2016 and a public hearing on April 25, 2016 and recommended approval of the proposed text amendments to the City Council. A notice of the City Council public hearing was published in the Bend Bulletin on April 24, 2016 and sent to the neighborhood associations on April 22, 2016. The City Council held a public hearing on May 18, 2016 and conducted the first reading and on June 1, 2016 they conducted the second reading and voted to approve the amendments for marijuana businesses.

Criteria of Approval

- (1) The Bend Area General Plan
- (2) Bend Development Code
 - (a) Chapter 4.6, Land Use District Map and Text Amendments;
Section 4.6.200(B), Criteria for Legislative Amendments

Applicable Procedures

- (1) Bend Development Code
 - (a) Chapter 4.1, Land Use Review and Procedures

Findings Regarding Compliance with Applicable Criteria:

**CONFORMANCE WITH CITY OF BEND DEVELOPMENT CODE, CHAPTER 4.6,
LAND USE DISTRICT MAP AND TEXT AMENDMENTS**

4.6.200 Legislative Amendments.

A. Applicability, Procedure and Authority. Legislative amendments generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of the comprehensive plan and map, Development Code and changes in the zoning map not directed at a small number of properties. They are reviewed using the Type IV procedure in accordance with Chapter 4.1, Land Use Review and Procedures and shall conform to Section 4.6.600, Transportation Planning Rule Compliance. A Legislative Amendment may be approved or denied.

FINDING: The recommended amendments to the text of the Development Code involve broad public policy rather than an individual property owner. Therefore, the Legislative Amendment Procedures of this section are the appropriate procedures for this review.

B. Criteria for Legislative Amendments. The applicant shall submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve or to deny an application for a Legislative Amendment shall be based on all of the following criteria:

1. The request is consistent with the applicable State land use law;

FINDING: The proposed amendments are consistent with the applicable State land use law. In particular, they satisfy Goal 1: Citizen Involvement, Goal 2: Land Use Planning, and Goal 9: Economic Development.

Goal 1, Citizen Involvement, is satisfied through following the City's acknowledged text amendment process that includes a Planning Commission public hearing, followed by a City Council public hearing.

Goal 2, Land Use Planning, requires a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions. The Goal is met because the City followed the land use planning process and policy framework established in the City's acknowledged Comprehensive Plan (General Plan) and Development Code as a basis for the decisions and actions related to the new regulations regarding the use of land and to assure an adequate factual base for these decisions and actions. The proposed amendments will be adopted by the City Council after a public hearing. Multiple opportunities were provided for review and comment by citizens and affected governmental units during the preparation of this ordinance.

Goal 2 specifically states that minor plan changes such as amendments to the marijuana business regulations, should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established. Since the adoption of the marijuana business regulations, Senate Bill 1511 was adopted in February 2016 which allows recreational marijuana licensees to register with the Oregon Liquor Control Commission (OLCC) to produce, process, transfer or sell marijuana for medical purposes. The proposed amendments are necessary to reflect Senate Bill 1511.

The other amendments affect the Mixed Employment (ME) District. The current marijuana business regulations prohibit marijuana grow and production and processing of extracts in the ME District. There are approximately 332 acres of ME General Plan designated or planned property in the city. Of the 332 acres of ME, 122 acres are zoned Industrial. Since the General Plan designation is ME, these properties cannot have a marijuana grow or production or extraction business.

The "Makers District" is one area that has experienced the inconsistency. For example, a land owner wants to lease a warehouse for marijuana production, yet if they apply for the zone change from Industrial to ME, they lose the ability to have a marijuana production use on the land. To fix this inconsistency, the proposed changes include permitting production and grow and extractions in the ME District and designation.

Goal 3, Agricultural Lands and Goal 4, Forest Lands, Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces. Goals 3 and 4 are not applicable because there are no Agricultural or Forest Lands in the City. Goal 5 is not applicable because these amendments do not affect any regulation that implements Goal 5 and the City's acknowledged regulations implementing Goal 5 remain in effect with no change in applicability.

Goal 6, Air, Water and Land Resources Quality requires that all waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards.. The addition of grow/production of marijuana and processing of extracts in the Mixed Employment (ME) District as permitted uses does not relieve the applicant from compliance with the City's acknowledged development review standards which includes submitting a water/waste water analysis. Therefore, compliance with Goal 6 is maintained.

Goal 7, Areas Subject to Natural Hazards is not applicable because the City's acknowledged regulations implementing Goal 7 remain in effect with no change in applicability.

Goal 8, Recreational Needs is not applicable to the proposed Development Code amendments because the amendments do not limit any recreational uses in any zone.

Goal 9, Economic Development, is implemented through Oregon Administrative Rule (OAR) Division 9 which is intended to ensure that each jurisdiction maintain an adequate land supply for economic development and employment growth. The Mixed Employment (ME) District's purpose is to "provide a broad mix of uses that offer a variety of employment opportunities." Goal 9 is satisfied because the proposed amendments would permit production and grow and extractions in the ME District and General Plan map designation. This would allow additional marijuana businesses to develop in the ME District, thereby diversifying the local economy.

Goal 10, Housing, requires provisions to be provide for the housing needs of citizens of the state. The proposed Development Code amendments are not applicable to residential zoning districts or residential General Plan designations and the Bend Development Code prohibits marijuana businesses in all residential zones and designations. The proposed amendments will not reduce residential inventories as these uses are not allowed in residential zones. Therefore, compliance with Goal 6 is maintained.

Goal 11, Public Facilities and Services requires the City to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. The proposed amendments will not result in the need to adjust or amend existing policies or projects in the City's adopted facility plans. The proposed uses will not generate more demand than existing, permitted uses in the Mixed Employment (ME) District. Therefore, compliance with Goal 11 is maintained.

Goal 12, Transportation requires the City to provide and encourage a safe and convenient and economic transportation system. The proposed amendments are not site specific and therefore do not affect the functional classification of any street. The proposed amendments will have no measurable impacts on the amount of traffic on the existing transportation system; therefore the proposed text amendments do not cause a "significant effect" under ORS 660-012-0060. Therefore, compliance with Goal 12 is maintained.

Goal 13, Energy Conservation requires land and uses developed on the land to be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. Indoor grow/production and extraction marijuana businesses could potentially require additional energy for lighting and other related implements of such operations. However, these uses would not require any form of energy, or at higher levels, than current, existing permitted uses allowed in the Mixed Employment (ME) District. Therefore, compliance with Goal 13 is maintained.

Goal 14, Urbanization, requires the City to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The proposed amendments do not encourage sprawl or lower than targeted densities, or uncoordinated development. All of the new uses proposed in

these amendments are equal to existing uses in terms of land needs, utilities, infrastructure; they are no more likely to encourage scattered development than existing permitted uses, and they are no more likely to deplete commercial and industrial inventories than any of the existing, permitted uses. The management of the City's land use inventories is unaffected by these proposed amendments and therefore the City's long standing acknowledgment of compliance with Goal 14 is maintained.

Goal 15, Willamette River Greenway, Goal 16, Estuarine Resources, Goal 17, Coastal Shorelands, Goal 18, Beaches and Dunes, and Goal 19, Ocean Resources are not applicable to the proposed Development Code amendment.

Because the proposed code amendments are limited in scope, there are no other Administrative Rules applicable to this amendment. Likewise, there are no applicable Oregon Revised Statutes that are criteria applicable to these amendments (Note, consistency with the Transportation Planning Rule (TPR) is discussed further in this document).

Based on the above discussion, the proposed text amendments to the Development Code are consistent with the statewide planning goals and therefore comply with the requirement that the amendment be consistent with state land use planning law.

2. The request is consistent with the applicable Bend Area General Plan goals and policies;

FINDING: The "goals" established in the general plan express the desires of the residents of Bend as the City progresses into the future. The "goals" are generally carried out through "policies," which are statements of public policy. The following Goals and Policies are applicable:

Chapter 1: Plan Management and Citizen Involvement

Goals:

- *Quality Economic Growth — Assure an opportunity for a stable, vital and diverse economy while sustaining its environment/ecological support systems.*

FINDING: The Mixed Employment (ME) District's purpose is to "provide a broad mix of uses that offer a variety of employment opportunities." The Goal is satisfied because the proposed amendments would permit production and grow and extractions in the ME District and General Plan map designation. This would allow additional marijuana businesses to develop in the ME District, thereby diversifying the local economy.

Policies

Citizen Involvement

15. The city shall continue to use advisory committees in their planning process, members of which are selected by an open process, and who are widely representative of the community.

16. *The city will use other mechanisms, such as, but not limited to, meetings with neighborhood groups, planning commission hearings, design workshops, and public forums, to provide an opportunity for all the citizens of the area to participate in the planning process.*

A notice of the Planning Commission public hearing was published in the Bend Bulletin on March 27, 2016 and sent to the neighborhood associations on March 23, 2016. Staff also emailed the changes to the Development Code Update Committee on April 7, 2016 for their review. Staff also sent a letter to the Marijuana Technical Advisory Committee (MTAC) letting them know about the proposed updates to the Bend Development Code and to the Bend Code. The Planning Commission held a work session on April 11, 2016 and a public hearing on April 25, 2016. The City Council held a public hearing on May 18, 2016 and conducted the first reading and a second reading on June 1, 2016 regarding the proposed amendments.

Chapter 6: The Economy and Lands for Economic Growth

Goals

- *Have a vital, diverse and sustainable economy, while enhancing the community's overall livability.*
- *Stimulate economic development that will diversify and strengthen economic activity and provide primary and secondary job opportunities for local residents.*

FINDING: The proposed code amendments reflect Senate Bill 1511 which allows recreational marijuana licensees registered with the OLCC to produce, process, transfer or sell marijuana for medical purposes. The proposed amendments also allow production and grow and extractions as a permitted use in the Mixed Employment (ME) District and designation. The amendments will continue to allow marijuana businesses to develop in Bend and provide job opportunities while continuing to enhance the community's overall livability.

Based on the findings stated above, staff concludes that the proposed text amendments are consistent with the applicable General Plan Goals and Policies.

3. The applicant can demonstrate a public need or benefit for the proposed amendment.

FINDING:

The City of Bend recognizes the importance of its unique qualities and diverse economy that supports a mix of uses. The proposed amendments address an inconsistency for properties zoned Industrial with a General Plan map designation of Mixed Employment (ME). The amendments will allow new businesses to emerge and grow, thereby diversifying the local economy.

4.6.500 Record of Amendments.

The City Recorder shall maintain a record of amendments to the text of this Code and the land use districts map in a format convenient for public use.

FINDING: In the event the Development Code text amendment is adopted by ordinance, the City Recorder will maintain a record of the amendments and the revised provisions will be included as part of the Bend Development Code available to the public on the City's website.

4.6.600 Transportation Planning Rule Compliance.

When a development application includes a proposed comprehensive plan amendment or land use district change, or both, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060.

FINDING: The new text amends the Bend Development Code, a functional component of the General Plan, and is an amendment to a land use regulation as noted in OAR 660-012-0060. The proposed amendments are not tied to any one development application and do not affect the functional classification of any street. The proposed amendments will have no measurable impacts on the amount of traffic on the existing transportation system; therefore the proposed text amendments do not cause a "significant effect" under ORS 660-012-0060.

V. CONCLUSIONS:

Based on the above Findings, the proposed Development Code text amendment meets all applicable criteria for adoption.