



# Oregon

John A. Kitzhaber, M.D., Governor

**Department of Land Conservation and Development**

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

Date: May 11, 2015  
Jurisdiction: Douglas County  
Local file no.:  
DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 05/04/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 37 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.

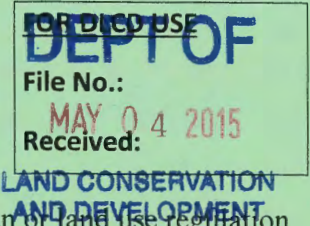
### DLCD Contact

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)

DLCD FORM 2



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



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: Douglas County

Local file no.: **N/A**

Date of adoption: 04/29/15

Date sent: 5/1/2015

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

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 03/06/15

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): Cheryl Goodhue, Planning Manager

Phone: 541-440-4289

E-mail: cagoodhu@co.douglas.or.us

Street address: Room 106, Justice Bldg., Courthouse

City: Roseburg

Zip: 97470-

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

See attached Board Draft, dated April 29, 2015, for number and titles of amended sections.

**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):

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

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.

**BEFORE THE BOARD OF COMMISSIONERS OF DOUGLAS COUNTY, OREGON**

AN ORDINANCE ADOPTING AMENDMENTS TO THE )  
DOUGLAS COUNTY LAND USE AND DEVELOPMENT ) **ORDINANCE NO. 2015-04-01**  
ORDINANCE (LUDO) TO INCORPORATE MEDICAL )  
MARIJUANA PROVISIONS AND DECLARING AN EMERGENCY )

WHEREAS, amendments to the Douglas County Land Use and Development Ordinance are needed in order to incorporate Medical Marijuana Facility registration provisions enacted by the 2013 Legislature, and codified in ORS 475.314 and Oregon Health Authority administrative rules 333-008-1000 through 1400, for the registration and operation of Medical Marijuana Facilities.

WHEREAS, on April 16, 2015, the Douglas County Planning Commission held a Legislative hearing and unanimously recommended that the amendments, as contained in the attached draft, be adopted by the Board of Commissioners.

WHEREAS, on April 2, 2014, the Douglas County Board of Commissioners enacted a Moratorium, Ordinance No. 2014-03-01, prohibiting the operation of any medical marijuana facility in any area subject to the jurisdiction of Douglas County, effective until May 1, 2015.

**THE DOUGLAS COUNTY BOARD OF COMMISSIONERS ORDAIN AS FOLLOWS:**

**SECTION ONE:** The amendments contained in the green-cover attachment titled "Amendments to the DOUGLAS COUNTY LAND USE & DEVELOPMENT ORDINANCE (LUDO)," BOARD DRAFT dated April 29, 2015, are ADOPTED and by reference made part of this ordinance.

**SECTION TWO:** The amendments are necessary and appropriate and an emergency is declared to exist. The Moratorium on medical marijuana facilities in County jurisdiction shall expire on May 1, 2015 and provisions governing the establishment of such facilities must be in place. This ordinance is necessary for the immediate preservation of the public peace, health and safety, and shall take effect on its adoption.

**SECTION THREE:** The establishment of a medical marijuana facility is a new land use and shall be incorporated into the existing Planning Department fee structure as a "land use action requiring agency coordination."

**SECTION FOUR Severability:** If any provision of this ordinance is held to be invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any other provision of the ordinance. The ordinance shall be construed as if such invalid provision had never been included.

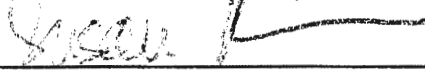
DATED this 29<sup>th</sup> day of April, 2015.

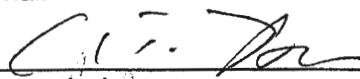
DOUGLAS COUNTY OREGON  
FILED

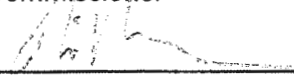
APR 29 2015

PATRICIA K. HITT, COUNTY CLERK

BOARD OF COUNTY COMMISSIONERS  
OF DOUGLAS COUNTY, OREGON

  
Chair

  
Commissioner

  
Commissioner

**Amendments to the**

**DOUGLAS COUNTY LAND USE &  
DEVELOPMENT ORDINANCE  
(LUDO)**

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**BOARD DRAFT**

**April 29, 2015**

Planning Commission  
April 16, 2015

Board of Commissioners  
April 29, 2015

**S U M M A R Y**  
**LAND USE & DEVELOPMENT ORDINANCE (LUDO) AMENDMENTS**  
**MEDICAL MARIJUANA FACILITIES**  
**BOARD DRAFT - APRIL 29, 2015**

Planning Commission Hearing: April 16, 2015  
Board of Commissioners Adoption: April 29, 2015

Subject	Summary	Effect
<p><b>AMENDMENTS RESULTING FROM MEDICAL MARIJUANA FACILITY (MMF) REGISTRATION PROVISIONS ENACTED BY THE 2013 LEGISLATURE AND CODIFIED IN ORS 475.314 AND OREGON HEALTH AUTHORITY (OHA) ADMINISTRATIVE RULES 333-008-1000 THROUGH 333-008-1400.</b></p>	<p>HB 3460, enacted by the 2013 Legislature, directed the Oregon Health Authority (OHA) to establish, by rule, a medical marijuana facility (MMF) registration system to authorize the establishment and operation of medical marijuana dispensaries. As codified in ORS 475.314, MMFs are subject to OHA registration approval and state siting standards. A MMF may not be located at a registered grow site, within 1000 ft. of a public or private school or "career school," or within 1000 ft. of another MMF.</p> <p>With these proposed amendments to the LUDO, MMFs are being added to the (C-2) Community Commercial, (C-3) General Commercial and (CRC) Rural Community Commercial zones as a use permitted with standards. Several local standards are being added to the state siting standards to ensure public safety and address consistency with permitted uses in the zones in which the facilities may be located. Local standards include that a MMF may not be located within 1000 ft. of a licensed preschool, daycare facility, YMCA or other organization attended primarily by minors, may not be located within 500 ft. of property zoned residential or public reserve, and maximum hours of operation shall be 7:00 a.m. through 10:00 p.m.</p> <p>NOTE: All state and local siting standard distance requirements relate to measurement from the property <u>boundary</u>.</p>	<p><b>DEREGULATION</b></p>

## LAND USE & DEVELOPMENT ORDINANCE AMENDMENTS

BOARD DRAFT - April 29, 2015

### **AMENDMENTS RESULTING FROM THE PASSAGE OF HB 3460 IN THE 2013 LEGISLATURE, "MEDICAL MARIJUANA FACILITY REGISTRATION" & IMPLEMENTING ORS 475.314 & OARs 333-008-1000 - 333-008-1400, "MEDICAL MARIJUANA FACILITIES" (MMFs).**

HB 3460, enacted by the 2013 Legislature, directed the Oregon Health Authority (OHA) to establish, by rule, a medical marijuana facility (MMF) registration system to authorize the transfer of "usable marijuana" from registry identification cardholders, designated primary care givers of registry identification cardholders or marijuana grow sites to medical marijuana facilities and from medical marijuana facilities to registry identification cardholders or designated primary care givers of registry identification cardholders.

ORS 475, "Controlled Substances..." was revised in 2013 to include ORS 475.314 to establish statutory provisions for medical marijuana facility registration.

The 2014 Legislature enacted SB 1531, which permitted local jurisdictions to enact a moratorium on medical marijuana facilities within their jurisdictions to provide additional time to address the regulation and siting of medical marijuana facilities. The Douglas County Board of Commissioners adopted an Ordinance declaring such a moratorium on April 2, 2014, with the moratorium effective until May 1, 2015.

In 2014, the OHA adopted administrative rules, OAR 333-008-1000 through 333-008-1400 (effective 7-11-14) to implement ORS 475.314, the registration of medical marijuana facilities and adopt rules governing the registration and operation of medical marijuana facilities.

### **STATE REQUIREMENTS FOR MEDICAL MARIJUANA FACILITIES**

#### Registration Required

By state statute and rule, a medical marijuana facility may not be established or operated unless the facility has been registered by the OHA in accordance with OHA rules. A "person responsible for a medical marijuana facility," or PRF as they are identified in the rule, must submit an application to the OHA. To be considered complete, the application must include information, including fingerprints, required for a criminal background check. (Per OAR 333-008-1280, any criminal background information received by OHA about a PRF is confidential and is not subject to disclosure without a court order.)

#### Registration Application Approval by OHA

Prior to determining whether to approve or deny an application, the OHA must:

- a) Ensure the criminal background check has been completed and review the results;
- b) Contact the Oregon Medical Marijuana Program (OMMP) (the OHA program that registers growers) to ensure the proposed location of the facility is not the same location as a registered grow site;



- c) Determine whether the proposed facility is located within 1,000 feet of the property of a public or private elementary, secondary or career school; and
- d) Review the list of registered facilities to determine whether any registered facilities are within 1,000 feet of the proposed facility.

If the proposed facility complies with ORS 475.314 and the OHA rules and the PRF has passed the criminal background check, OHA will notify the PRF that the application has been approved and the facility is registered. The PRF will be provided with a proof of registration that includes a unique registration number. A facility's registration cannot be transferred to another location.

### Security Requirements

Security requirements for registered facilities are outlined in detail in OAR 333-008-1140 through 333-008-1180, and include:

- commercial grade door locks installed on every external door;
- marijuana is kept in a locked, secure area;
- marijuana transfer areas are posted as restricted access areas;
- a security alarm system that is installed by an alarm installation company and meets the specifications of OAR 333-008-1150;
- a fully operational video surveillance recording system that meets the specifications of OAR 333-008-1160;
- camera coverage and placement meeting the specifications of OAR 333-008-1170;
- video recording requirements meeting the specifications of OAR 333-008-1180.

The OHA will not approve the facility for operation until all security requirements are in place. A proposed facility that is in compliance with the statutes and rules but has not yet had a security system installed and/or other security requirements met, may be issued a provisional registration, valid for 60 days. Because a provisional registration may be issued by the OHA prior to all security requirements being in place, land use authorization should not be issued for a provisional registration, but only for an OHA final approval, which requires all security measures to be installed and allows the facility to be fully operational.

Operation of Registered Facilities, OAR 333-008-1200, outlines responsibilities of a PRF of a registered facility and includes that the PRF must have written detailed policies and procedures, as well as training for employees on the policies and procedures, that at a minimum cover: security; testing; transfers; operation; required record keeping; labeling, and; violations and enforcement.

### Annual Renewal Required

A facility's registration expires one year from application approval and must be renewed by OHA on an annual basis. A criminal background check (including fingerprints) on the PRF must be conducted every year at the time of application renewal by the OHA.



## LOCAL ACTION REQUIRED

With the moratorium on the establishment of medical marijuana facilities expiring on May 1, 2015, Legislative Amendments to the Land Use & Development Ordinance (LUDO) are needed to incorporate the state siting standards for registration of medical marijuana facilities and to apply any additional land use standards necessary to ensure public safety and address consistency with permitted uses in zones in which the facilities may be located.

The state's standards require that an MMF may not be located:

- at a registered grow site;
  - within 1,000 ft. of a public or private elementary, secondary or career school;
  - within 1,000 ft. of another MMF;
- and the facility may not be a mobile facility.

Additional local standards that should apply are that an MMF may not be located:

- within 1,000 ft. of a licensed preschool or daycare facility;
  - within 500 ft. of any property zoned (PR) public reserve or residential;
- and the maximum hours of operation are to be from 7:00 a.m. through 10:00 p.m.

## PROPOSED LEGISLATIVE AMENDMENTS TO THE LAND USE & DEVELOPMENT ORDINANCE

***ACTION:*** ADD DEFINITION OF MEDICAL MARIJUANA FACILITY AND PERSON RESPONSIBLE FOR A MEDICAL MARIJUANA FACILITY, "PRF" AT 1.090, DEFINITIONS (P. 1-22)

### SECTION 1.090 Definitions

**MEDICAL MARIJUANA FACILITY (MMF): a facility registered by the Oregon Health Authority (OHA) under OAR 333-008-1050 to, as outlined in ORS 475.314, authorize the transfer of usable marijuana and immature marijuana plants from:**

**(a) A registry identification cardholder, the designated primary care giver of a registry identification cardholder, or a person responsible for a marijuana grow site to the medical marijuana facility; or**

**(b) A medical marijuana facility to a registry identification cardholder or the designated primary care giver of a registry identification cardholder.**

**PERSON RESPONSIBLE FOR A MEDICAL MARIJUANA FACILITY or "PRF": means an individual who owns, operates, or otherwise has legal responsibility for a facility and who meets the qualifications established in OAR 333-008-1000 through 333-008-1400, "Medical Marijuana Facilities," and has been approved by the Oregon Health Authority for registration of that facility.**

***ACTION:*** ADD STATUTORY PROVISIONS FOR A MEDICAL MARIJUANA FACILITY AS A USE PERMITTED WITH STANDARDS IN THE FOLLOWING ZONES: (C-2) **Community Commercial** AT SECTION 3.17.075 (P.3-104), (C-3) **General Commercial** AT SECTION 3.18.075 (P.3-107) AND (CRC) **Rural Community Commercial** AT SECTION 3.19B.150 (P. 3-114).

**(C-2) Community Commercial**  
**SECTION 3.17.075 Uses Permitted With Standards**

- 2. A Medical Marijuana Facility, subject to the following standards:**
- a. The facility shall not be located within 1000 feet of the property boundary of another medical marijuana facility.**
  - b. The facility shall not be located within 1000 feet of the property boundary of a public or private elementary, secondary or career school\* attended primarily by minors.**
  - c. The facility shall not be located within 1000 feet of the property boundary of a licensed preschool or daycare facility, Boys & Girls Club, YMCA, or other such organization attended primarily by minors.**
  - d. The facility shall not be located within 500 feet of any property zoned (PR) Public Reserve, or any property zoned for residential use, except where a street classified as an Arterial in the Douglas County Comprehensive Plan lies between the property on which the facility proposed is to be located and the PR or residentially zoned property.**
  - e. The facility shall not be located at a registered grow site.**
  - f. The maximum hours of operation for the facility shall be 7:00 a.m. through 10:00 p.m.**
  - g. No mobile facility or services shall be authorized.**
  - h. Proof of an approved Oregon Health Authority (OHA) registration shall be provided, demonstrating that the facility is in full compliance with ORS 475.314 and OAR 333-008-1000 through 333-008-1400, which includes a criminal background check of the person responsible for the facility, a security alarm system installed by an alarm installation company, and a fully operational video surveillance recording system\*\*.**
  - i. The facility shall comply with all applicable parking, setback, signage and other property development standards of the C-2 zone.**

**\*As defined in OAR 333-008-1010, "career school" means any private proprietary professional, technical, business or other school instruction, organization or person that offers any instruction or training for the purpose or purported purpose of instructing, training or preparing persons for any profession at a physical location attended primarily by minors.**

**\*\*Security devices require Douglas County Building Department permits and inspection prior to installation.**

**(C-3) General Commercial, SECTION 3.18.075 Uses Permitted With Standards**

**In the C-3 zone, the following uses and activities are permitted subject to specified standards and the general provisions and exceptions set forth by this Ordinance.**

- 1. A Medical Marijuana Facility, subject to the following standards:**
  - a. The facility shall not be located within 1000 feet of the property boundary of another medical marijuana facility.**
  - b. The facility shall not be located within 1000 feet of the property boundary of a public or private elementary, secondary or career school\* attended primarily by minors.**
  - c. The facility shall not be located within 1000 feet of the property boundary of a licensed preschool or daycare facility, Boys & Girls Club, YMCA, or other such organization attended primarily by minors.**
  - d. The facility shall not be located within 500 feet of any property zoned (PR) Public Reserve, or any property zoned for residential use, except where a street classified as an Arterial in the Douglas County Comprehensive Plan lies between the property on which the facility proposed is to be located and the PR or residentially zoned property.**
  - e. The facility shall not be located at a registered grow site.**
  - f. The maximum hours of operation for the facility shall be 7:00 a.m. through 10:00 p.m.**
  - g. No mobile facility or services shall be authorized.**
  - h. Proof of an approved Oregon Health Authority (OHA) registration shall be provided, demonstrating that the facility is in full compliance with ORS 475.314 and OAR 333-008-1000 through 333-008-1400, which includes a criminal background check of the person responsible for the facility, a security alarm system installed by an alarm installation company, and a fully operational video surveillance recording system\*\*.**
  - i. The facility shall comply with all applicable parking, setback, signage and other property development standards of the C-3 zone.**

**\*As defined in OAR 333-008-1010, "career school" means any private proprietary professional, technical, business or other school instruction, organization or person that offers any instruction or training for the purpose or purported purpose of instructing, training or preparing persons for any profession at a physical location attended primarily by minors.**

**\*\*Security devices require Douglas County Building Department permits and inspection prior to installation.**

# **(CRC) Rural Community Commercial**

## **SECTION 3.19B.150 Uses Permitted With Standards**

- 4. A Medical Marijuana Facility, subject to the following standards:**
- a. The facility shall not be located within 1000 feet of the property boundary of another medical marijuana facility.**
  - b. The facility shall not be located within 1000 feet of the property boundary of a public or private elementary, secondary or career school\* attended primarily by minors.**
  - c. The facility shall not be located within 1000 feet of the property boundary of a licensed preschool or daycare facility, Boys & Girls Club, YMCA, or other such organization attended primarily by minors.**
  - d. The facility shall not be located within 500 feet of any property zoned (PR) Public Reserve, or any property zoned for residential use, except where a street classified as an Arterial in the Douglas County Comprehensive Plan lies between the property on which the facility proposed is to be located and the PR or residentially zoned property.**
  - e. The facility shall not be located at a registered grow site.**
  - f. The maximum hours of operation for the facility shall be 7:00 a.m. through 10:00 p.m.**
  - g. No mobile facility or services shall be authorized.**
  - h. Proof of an approved Oregon Health Authority (OHA) registration shall be provided, demonstrating that the facility is in full compliance with ORS 475.314 and OAR 333-008-1000 through 333-008-1400, which includes a criminal background check of the person responsible for the facility, a security alarm system installed by an alarm installation company, and a fully operational video surveillance recording system\*\*.**
  - i. The facility shall comply with all applicable parking, setback, signage and other property development standards of the CRC zone.**

**\*As defined in OAR 333-008-1010, "career school" means any private proprietary professional, technical, business or other school instruction, organization or person that offers any instruction or training for the purpose or purported purpose of instructing, training or preparing persons for any profession at a physical location attended primarily by minors.**

**\*\*Security devices require Douglas County Building Department permits and inspection prior to installation.**



**DOUGLAS COUNTY PLANNING DEPARTMENT  
ROOM 106, JUSTICE BUILDING  
DOUGLAS COUNTY COURTHOUSE  
ROSEBURG, OR 97470**



**ATTN: PLAN AMENDMENT  
SPECIALIST  
DLCD  
635 CAPITOL STREET NE, SUITE 150  
SALEM OR 97301-2540**

**DEPT OF**

**MAY 04 2015**

**LAND CONSERVATION  
AND DEVELOPMENT**

