



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: February 24, 2015

Jurisdiction: City of Florence

Local file no.: PC 14 23 TA 03

DLCD file no.: 004-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 02/20/2015. 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 36 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.: 004-14
{ 22580 }
Received: 2/20/2015

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 Florence

Local file no.: **Ordinance 1, Series 2015**

Date of adoption: 2/17/15

Date sent: 2/20/2015

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): 12/8/2015

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:

Removed Industrial Zones from consideration, removed requirement to located in a stand alone building, require isolated HVAC system for use, reduced residential buffer to 175', reduced park buffer to 200'

Local contact (name and title): Wendy FarleyCampbell

Phone: 541-997-8237

E-mail: wendy.farleycampbell@ci.florence.or.us

Street address: 250 Highway 101

City: Florence

Zip: 97439-

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:

N/A

For a change to a comprehensive plan map:

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

- Change from n/a to _____ acres. A goal exception was required for this change.
- Change from n/a to _____ acres. A goal exception was required for this change.
- Change from n/a to _____ acres. A goal exception was required for this change.
- Change from n/a to _____ acres. A goal exception was required for this change.

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

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: n/a	Non-resource – Acres: n/a
Forest – Acres: n/a	Marginal Lands – Acres: n/a
Rural Residential – Acres: n/a	Natural Resource/Coastal/Open Space – Acres: n/a
Rural Commercial or Industrial – Acres: n/a	Other: n/a – 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: n/a	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:

Florence City Code Title 10 Chapters: 1-Zoning Administration, 4-Conditional Uses, 15-Commercial District; 16-Highway District, 25-Professional Office/Institutional, 27-Mainstreet District, 30-North Commercial District

For a change to a zoning map:

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

Change from n/a	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: n/a 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: Siuslaw School District 97J, Siuslaw Public Library, Oregon Health Authority, Oregon Dept. of Education

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.

**CITY OF FLORENCE
ORDINANCE NO. 1, SERIES 2015**

**An Ordinance amending Florence City Code Chapters 1, 4, 15, 16, 25, 27 & 30 of
Title 10 concerning medical marijuana facilities; and declaring an emergency**

RECITALS:

1. The Florence City Council initiated amendments to implement medical marijuana facility standards by motion on October 20, 2014.
2. On December 8, 2014 notice of the proposed code amendments was sent to the Department of Land, Conservation and Development, not less than 35 days prior to the first evidentiary hearing.
3. On December 16, 2014, the City sent notice to affected property owners notifying them of the Planning Commission public hearing, as well as posted the proposed code amendments on the web site.
4. On December 31, 2014, the City sent notice to Referral Agencies about the proposed amendments and the public hearing.
5. On December 31, 2014, January 7, 2015, January 31, 2015, and February 14, 2015 notice of hearing was published in the Siuslaw News prior to the Planning Commission hearing of January 13, 2015 and City Council's hearings of February 2, 2015 and February 14, 2015.
6. Planning Commission opened their public hearing January 13, 2015 and then closed it and deliberated to a decision for a recommendation to the City Council on January 27, 2015.
7. City Council conducted public hearings on February 2, 2015 and February 17, 2015 and held a work session on February 9, 2015 and found the amendments consistent with applicable criteria in Florence City Code, Realization 2020 Florence Comprehensive Plan, Oregon Administrative Rules and Oregon Revised Statutes.

Based on these findings,

THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. The Florence City Code Chapters 1, 4, 15, 16, 25, 27, & 30 of Title 10: Zoning Regulations, is amended as shown in Exhibits B, C, D, E, F, G and H.

2. The Council declares an emergency and as such this ordinance shall take effect at a date earlier than the thirtieth day after its enactment as set out in the Florence City Charter Section 31. This ordinance shall become effective at the expiration of Ordinance No. 2, Series 2014 enacting a moratorium on the operation of medical marijuana facilities within the City. (March 17, 2015).
3. The City Recorder is authorized to administratively correct any reference errors contained herein or in other provisions of the Florence City Code to the provisions added, amended, or repealed herein.

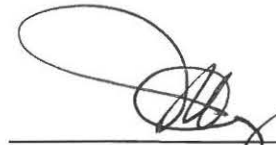
ADOPTION:

First Reading on the 17th day of February, 2015.

Second Reading on the 17th day of February, 2015

This Ordinance is passed and adopted on the 17th day of February, 2015.

AYES	5	Councilors Greene, Preisler, Lyddon, Lacer and Mayor Henry
NAYS	0	
ABSTAIN	0	
ABSENT	0	



Joe Henry, Mayor

Attest:



Kelli Weese, City Recorder

Exhibit A
FINDINGS OF FACT
CITY OF FLORENCE ORDINANCE 1, SERIES 2015

I. PROPOSAL

LEGISLATIVE CODE AMENDMENTS – ORDINANCE 1, SERIES 2015: zoning code text amendments to FCC Title 10, to establish locational, site design, and operational criteria related to medical marijuana. The specific amendments are presented in the attached Exhibits B, C & D and are summarized as follows:

1. Provides definition for medical marijuana facility;
2. Provides design & locational standards;
3. Identifies the zone where permitted;

II. BACKGROUND

Process--On March 17, 2014 the Florence City Council adopted Ordinance 2, Series 2014 placing a moratorium on issuance of business licenses for and operation of medical marijuana facilities in the city limits. On October 6, 2014 the Council held a work session to review proposed code amendments prepared by Speer Hoyt, City Attorney. The code amendments proposed to establish locational, site design and operational criteria related to medical marijuana. After consideration Council agreed the code should be reviewed further and the public hearings process started. The City Council initiated land use code amendments for medical marijuana facilities on October 20, 2014. The initiated version of code amendments to Florence City Code Title 10 is attached as Exhibit C.

The Department of Land Conservation and Development Form 1, 35 day notice was prepared and mailed on December 8, 2014. After the 35 day notice period the Planning Commission held the first evidentiary public hearing on January 13, 2015 in order to make a recommendation to the City Council. Planning Commission continued the hearing to January 27, 2015 when they made their recommendation to City Council. The City Council opened the second public hearing on February 2, 2015. They then held a work session to consider other buffer and design options. They then reopened the hearing on February 17, 2015 to deliberate; after which they closed the hearing and made a final decision on adopting amendments to the city code.

Proposal Evolution--Staff cross-checked the initiated code amendments with the state OAR and City's land use and development codes, made revisions and included them in Planning Commission's January 13th and 27th packets for consideration. The revisions generally included:

1. Remove Pacific View Business Park and Limited Industrial Districts since retail sales is only permitted as an ancillary use to manufacturing or an industrial service use.

2. Add buffers at the city gateways, specifically--the intersection of Highways 101 & 126, along Highway 126 and from the Siuslaw Bridge.
3. Reduce the residential buffer to address linear zoning and accommodate setbacks.

Planning Commission reviewed staff's proposal and deliberated to their January 27th recommendation. They generally include the following:

1. Permit medical marijuana facilities conditionally in the North Commercial District.
2. Establish minimum distance provisions, including: 300 feet from residential zones, 400 feet from public parks, 500 feet from public libraries and child care facilities licensed by the Oregon Dept. of Education as well as 1000 feet from public or private schools at-tended primarily by minors.
3. Measure buffers from originating property line to the medical marijuana facility structure.
4. Establish site design requirements for medical marijuana facilities.

The PC's recommendation was a significant change from the initiated version and staff's recommendation, specifically in that it permitted the use in only one district. PC's deliberations included ensuring adequate setbacks from residences, facilities and locations where families with children might frequent and finding the use unsuitable for the Mainstreet District which acts as the gateway to Old Town. They initially considered increasing the buffers from those locations and instead came up with the simple solution of identifying the areas they felt were suitable and zoning out the rest. PC decided the North Commercial District provides developed properties with structures suitable for the use with sufficient distance from the buffered areas.

City Council held their hearing on February 2nd and followed up with a work session on February 9, 2015 to review the historical evolution of the proposal. The approving Council was new to the proposal and discussion and explanation needed to occur. On February 17th the Council reopened the hearing (it was also re-noticed) and approved the originally implemented zones (absent the Industrial districts) and reduced the residential buffer to 175 ft. and the park buffer to 200 ft. They also removed the requirement for the use to be located in a stand-alone structure with no other uses.

The Title 10 code amendments are reviewed in Section IV of this report. The Findings of Fact follow in section VI followed by the conclusion.

III. NOTICE AND REFERRALS

1. Notice:

Form 1, Department of Land Conservation and Development notice was emailed on December 8, 2014.

Notice was mailed to affected property owners on December 16, 2014 in accordance with ORS 227.186. (Commonly known as Ballot Measure 56 notice)

Notice was published in the December 31, 2014, January 7, 2015, January 31, 2015, and February 17, 2015 editions of the Siuslaw News. As of this writing, four written comments had been received.

Exhibit E: George and Robbie Fielding, 211 Harbor St., email dated January 3, 2015 stating concern for safety, security and addition of “questionable” people in neighborhood. Suggests a better location is on Hwy 101 outside Old Town business and residential area where police patrols are more frequent. Also concerned for residential property values and thinks the facilities should be located in a dedicated business area.

Exhibit F: Dayle Bailey, 211 Harbor St. Unit 39, email dated January 5, 2015 stating if a medical marijuana facility is needed it is best to locate it near the hospital but prefers not to see it anywhere in the city.

Exhibit I: Renee Hansen, 378 Kingwood Street, Florence, letter dated January 9, 2015 stating she prefers the facilities to be located as far as possible from her residence and is concerned about her property value.

Exhibit J: Tom Pfeifer, email dated January 12, 2015 stating concern for siting a facility in the Mainstreet and Highway District where residences are often located.

2. Referrals:

On December 31, 2014 referrals were sent to Florence Building Official, Florence Police Department, Siuslaw Valley Fire & Rescue, Siuslaw 97J School District, Siuslaw Public Library, Oregon Health Authority, and Oregon Department of Education. As of this writing, one comment has been received:

Exhibit G: Ethel Angal, Siuslaw 97J School District Administrator, email dated January 4, 2015 stating support for the locational requirements for medical marijuana facilities being “far from schools, library, child care centers, etc.”

Exhibit K: Meg Spencer, Siuslaw Public Library, email dated February 10, 2015 stating the library would discuss the (Council’s) decision and decide how the library can best and appropriately participate as members of the City of Florence.

IV. PROPOSED CODE REVIEW

The proposed code amendments generally include:

1. Permit medical marijuana facilities as a conditional use in the following zoning districts: Commercial, Highway, North Commercial, Professional Office/Institutional, and Mainstreet.
2. Establish minimum distance provisions, including: 175 feet from residential zones, 500 feet from public libraries, 200 feet from public parks, except Miller Park which shall have a 400’ buffer, and 500 feet from child care facilities li-

censed by the Oregon Dept. of Education as well as 1000 feet from public or private schools attended primarily by minors

3. Establish site design requirements for medical marijuana facilities

Review:

1. The zoning district where permitted:

Previously considered industrial zones-- Limited Industrial District and the Pacific View Business Park do not permit retail sales, except in the Pacific View Business Park where it is permitted in conjunction with an allowed commercial or industrial use and then can only be 15% of the total building floor area. There are no industrial or commercial uses listed applicable to medical marijuana. Professional Office/Institutional, Highway, Commercial, Mainstreet, and North Commercial Districts are appropriate zones for medical marijuana sales since they all either permit retail sales or pharmaceutical sales. Neither the Limited Industrial Park nor the Pacific View Business Park are suitable for medical marijuana sales because they either do not permit other types of retail sales or restrict them to an incidental part (15%) of an industrial use or retail service (selling windshield wipers at a car repair facility). A medical marijuana facility is neither an industrial or retail service use.

2. Proposed buffers: There are five buffers: 175 ft. from residential zones, 500 ft. from the public library and child care facilities and 200 ft. from public parks (except Miller Park which is 400 ft.) and 1000 ft. from public and private schools attended primarily by minors. The buffers are measured in a straight line radius. The 1000 ft. school buffer is a state designation and is not able to be lowered. The other buffers are proposed city policy and the distance can be whatever the city finds to be compatible with surrounding uses.

There are two 1000 ft. school buffers, one for the Siuslaw School District properties along Oak St. and Kingwood St. and one for Sonshine Christian School at 4445 Hwy 101.

There are a number of points to consider when applying buffers in the City of Florence. The City of Florence zoning is linearly oriented north and south along Highway 101. Highway 101 serves as the city's primary commercial area. Old Town is the next largest commercial area but was not under consideration for medical marijuana. The city's development pattern thus occurred linearly in accordance with the long established zoning codes. From the Siuslaw Bridge to 37th St. along Highway 101 the commercial districts extend roughly 260 ft. (one block east and west) on either side of the Highway. From 37th St. north, the commercial districts are wider and extend roughly 600' on either side of the highway. East and west of the commercial zones the residential districts start and extend west to the Siuslaw River and east to and through Munsel Lake Road.

The 1000 ft. school buffers cover all of the commercial properties along Highway 101 between 15th and 34th Sts. and between 41st St. and Fred Meyer. The 500 ft.

buffer around Bright Beginnings Preschool covers properties along Highway 101 between 15th St. and 18th Sts. The Munsel Creek bike path and the library buffers cover Highway 101 and 126 properties from 7th to 14th Sts. The remaining properties in zones other than the North Commercial and outside the original 300' residential buffer are located from 2nd to 7th Sts., 14th to 15th Sts., and 34th to 39th Sts. The residential buffers would need to be reduced to make more commercial properties available.

3. Development standards: Specific development provisions for medical marijuana facilities are to be provided in Chapter 4 of Title 10. The original proposed code included the requirement to be located in a permanent detached building that did not include any other uses. As presently proposed uses may co-located in a building such as a strip mall but the MMF must have a separate HVAC system. The building shall not include a drive-through or walk-up window and shall include only one public entrance which shall have exterior security lighting.

There are no conflicts between the proposed code text and existing code.

V. APPLICABLE CRITERIA

1. **Florence City Code (FCC) Title 10: Zoning Regulations**
 - Chapter 1: Zoning Administration, Section 1-3-C: Legislative Changes
 - Chapter 4: Conditional Uses, Section 12: Additional Conditions
 - Chapters 15, 16, 20, 25, 27, 28, and 30: Section 3: Buildings and Uses Permitted Conditionally
2. **Florence Realization 2020 Comprehensive Plan**
 - Chapter 1: Citizen Involvement, Policies 4, 5, and 6
 - Chapter 2: Land Use, Policies 1, and 3, Industrial, Policy 4
 - Chapter 9: Economic Development, Policy 1
3. **Oregon Revised Statutes**
 - ORS 197.610(1)
 - ORS 227.186(4)

VI. FINDINGS

The criteria are listed in bold followed by the proposed findings of fact

Florence City Code (FCC)

Title 10 Zoning Regulations, Chapter 1 Zoning Administration

10-1-3: AMENDMENTS AND CHANGES:

- A. Purpose: As the Comprehensive Plan for the City is periodically reviewed and revised, there will be a need for changes of the zoning district boundaries and the various regulations of this Title. Such changes or amendments shall be made in accordance with the procedures in this Section.**
- B. Legislative Changes:**
- 1. Initiation: A legislative change in zoning district boundaries, in the text of this Title, (Title 10), Title 11, or in the Comprehensive Plan may be initiated by resolution of the Planning Commission, or by a request of the Council to the Planning Commission that proposes changes to be considered by the Commission and its recommendation returned to the Council, or by an application for an amendment by a citizen.**
 - 2. Notice and Public Hearing. Such notice and hearing as prescribed by state law and the Comprehensive Plan then in effect.**

Finding: The proposed amendments are legislative changes and consistent with this criterion because the City Council initiated the amendments at a regularly scheduled meeting held on October 20, 2014. Notice of the public hearings were made in accordance with state laws as mentioned earlier in the report.

Title 10 Zoning Regulations, Chapter 4: Conditional Uses

10-4-12: ADDITIONAL CONDITIONS:

Finding: The conditional use chapter's purpose is to give special consideration to certain types of uses prior to being permitted in a particular district. The reasons for requiring special consideration involve, among other things, the effect such uses have on any adjoining land uses. All uses permitted conditionally are in possession of unique and special characteristics as to make impractical their being permitted outright. The authority for the location and operation of certain uses is subject to review by the Planning Commission and issuance of a conditional use permit. The purpose of review is to determine the type of uses permitted in surrounding areas and for the further purpose of stipulating such conditions as may be reasonable, so that the basic purposes of Title 10 are served. For this reason, in addition to the criteria to be considered in 10-4-10 & 11 the proposed criteria specific to medical marijuana are in keeping with the intent and purpose of the conditional use chapter.

Title 10 Zoning Regulations, Chapters 30

SECTION 3: BUILDINGS AND USES PERMITTED CONDITIONALLY:

The above listed zones identify a purpose that includes one or more of the following or similar related statement:

An intention to:

- preserve and enhance areas within which a wide range of retail sales and businesses will occur
- provide opportunities for commercial uses of a larger scale within planned commercial developments
- serve the traveling public and the needs of residents for major retail shopping opportunities.
- discourage uses that require substantial outdoor display or storage.

Medical marijuana facility uses would be permitted with a conditional use and would still be expected to meet the purpose statement of the district under consideration. The design criteria proposed work towards that effort. Medical marijuana facilities in of themselves do not conflict with the purpose statements outlined for the proposed zones.

Realization 2020, Florence Comprehensive Plan

Chapter 1: Citizen Involvement

Citizen Involvement Goal: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Policies:

- 4. Official City meeting shall be well publicized and held at regular times. Agendas will provide the opportunity for citizen comment.**

Finding: This policy is met. The proposed code amendments are consistent with this policy because the notice of the Planning Commission hearings public hearing was noticed in the paper prior to the hearing as required by state law, published in the Siuslaw News on December 31, 2014, January 7, 2015, January 31, 2015 and February 14, 2015. The City also keeps the City's website up to date on when the city meetings are held and materials for the Planning Commission and City Council meetings are posted on the website a week prior to the meeting. The agendas are also posted in City Hall.

- 5. Records of all meetings where official action is taken shall be kept at City Hall and made available on request to the public.**

Finding: The proposal for these actions is consistent with this policy because minutes of all meetings are kept at City Hall, posted on the City web site and made available on request to the public.

- 6. Planning documents and background data shall be available to interested citizens.**

Finding: The proposal for these actions is consistent with this policy because the

resolution, staff report and proposed code amendments were available on January 6, 2015, January 20, 2015, January 27, 2015 and February 10, 2015 seven days prior to the public hearings as well as posted on the City web site.

Chapter 2: Land Use

1. Designation and location of land uses shall be made based on an analysis of documented need for land uses of various types, physical suitability of the lands for the uses proposed, adequacy of existing or planned public facilities and the existing or planned transportation network to serve the proposed land use, and potential impacts on environmental, economic, social and energy factors.

The proposed medical marijuana facility land use designation and proposed locational opportunities originate from a change in state laws permitting the sale in accordance with state law. Cities are encouraged to review and set their own development criteria in addition to the policies set by state law. The Florence City Council decided on October 20, 2014 that the city would permit the sale of medical marijuana and initiated amendments to code to affect that desire. The above review includes an analysis of proposed districts and suitable areas for medical marijuana sales within the City of Florence. It identified and reviewed proposed buffers within the context of the development pattern in the city and the individual districts. The proposed land use is consistent with other retail sales activities in the context of necessary transportation and utility facilities. The impacts on these systems will be no different than other retail sales activities. This criterion is met.

3. The quality of residential, commercial and industrial areas within the City shall be assured through the enforcement of City zoning, design review, applicable conditions of development approval, parking and sign ordinances, and the enforcement of building, fire, plumbing and electrical codes.

Buffers have been proposed to protect the actual or perceived conflicts from differing uses. The proposed code amendments include additional design criteria and restrictions. Medical marijuana facilities will require application for and receipt of a conditional use permit and design review. During review, conditions would be assigned to ensure the intent of the title and chapter and requirements of the various city, state, and fire safety policies are met. This criterion is met.

Industrial Policy 4. The City shall maintain lands planned and zoned for industrial uses within Industrial zones free from the encroachment of incompatible land uses such as residential, public or private schools and day care centers, active parks, or retail use as a principal use.

The zoning district regulations implement this Comprehensive Plan policy. The land uses permitted within the Pacific View Business Park and the Limited Industrial District do not include retail sales and specifically exclude it. The initiated

proposal to include medical marijuana facilities in those districts has been excluded from this approval. In doing so this policy is met.

Chapter 9: Economic Development

1. The City shall encourage actions and activities that promote the availability of new employment in the community, especially family wage jobs.

By releasing the moratorium on medical marijuana facilities and establishing policies permitting and guiding their location, layout and operations the city is providing the opportunity for a new retail activity that will promote new employment opportunities both in the sale and preparation of product for sale. By permitting medical marijuana facilities within the city this policy is met.

Oregon Revised Statutes (ORS)

The section of State statute that relates to the proposed amendments is listed below with findings to address consistency with the State law.

ORS 197.610: Local Government Notice of Proposed Amendment or New Regulation; Exceptions; Report to Commission.

(1) A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation shall be forwarded to the Director of the Department of Land and Conservation and Development at least 35 days before the first evidentiary hearing on adoption. The proposal forward shall contain the text and any supplemental information that the local government believes is necessary to inform the director as to the effect of the proposal. The notice shall include the date set for the first evidentiary hearing.

Finding: The proposal is consistent with ORS 197.610(1) because notice to DLCD was sent on December 8, 2014 at least 35 days prior to the January 13, 2015 (first) public hearing and the notice contained the information required in this statute.

ORS 227.186: Notice to Property Owners of hearing on Certain Zone change: Form of Notice; Exception; Reimbursement of Cost.

227.186(4) At least 20 days but not more than 40 days before the date of the first evidentiary hearing on an ordinance that proposes to rezone property, a city shall cause a written individual notice of a land use change to be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone.

Finding: The proposal is consistent with this statute because notice to property owners was mailed on December 16, 2014, which is at least 20 days but not

more than 40 days before the date of the first hearing on the proposed ordinance amending the Florence City Code. Notice was mailed to all owners of property that the code amendments may affect.

VII. CONCLUSION

The amendments to the Florence City Code Title 10 are consistent with the applicable criteria in the Florence Realization 2020 Comprehensive Plan, Florence City Code, and Oregon Revised Statutes, and staff recommends approval to the Florence City Council.

Exhibit B
ORDINANCE NO. 1, SERIES 2015

Additions are shown in double underline and deletions are shown as strike-out.

TITLE 10
CHAPTER 1

ZONING ADMINISTRATION

10-1-4: DEFINITIONS:

<u>MEDICAL MARIJUANA FACILITY</u>	<u>A medical marijuana dispensary business required to register with the Oregon Health Authority under ORS 475.314.</u>
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Amended by Ord. No. 15, Series 1988
Amended by Ord. No. 18, Series 1990
Amended by Ord. No. 30, Series 1990
Amended by Ord. No. 7, Series 1994
Amended by Ord. No. 13, Series 2002
Amended by Ord. No. 15, Series 2002
Amended by Ord. No. 26, Series 2008 – See Exhibit B Amended by Ord. No. 10, Series 2009 – See Exhibit C Amended by Ord. No. 9, Series 2009 – See Exhibit G
Amended by Ord. No. 4, Series 2010 – See Exhibit C (effective 4-5-10) Amended by Ord. No. 2, Series 2011 (effective 3-11-11)
Sections 10-1-1-4, 10-1-1-5, and 10-1-4 Amended by Ord. No. 4, Series 2011 – See Exhibit 4E (effective 4-22-11)
Section 10-1-4 “Dwelling” & “Recreational Vehicle” Amended by Ord. No. 21, Series 2011 – See Exhibit C (effective 1-5-12)
Section 10-1-1-4-D, 10-1-1-5-B-1-a and 10-1-1-6-D-1-a Amended by Ord. No. 5, Series 2012 – See Exhibit C (effective 1-16-13)
Section 10-1-1-6, 10-1-1-7, and 10-1-5 Amended by Ord. No. 3, Series 2013 – See Exhibit B (effective 7-31-13)
Section 10-1-4 Amended by Ord. No. 2, Series 2013 (effective 10-5-13)
Section 10-1-4 “Lighting” added by Ord. No. 12, Series 2014

Exhibit C
ORDINANCE NO. 1, SERIES 2015

Additions are shown in double underline and deletions are shown as strike-out.

TITLE 10
CHAPTER 4

CONDITIONAL USES

10-4-12: ADDITIONAL CONDITIONS: Some land uses by the nature of the activity associated with them require separate and intense consideration by the Planning Commission prior to their establishment. Such uses and additional conditions are as follows:

I. Medical Marijuana Facilities

1. A medical marijuana facility use is only permitted conditionally. Where the medical marijuana facility use is not listed among the uses permitted conditionally in a particular zoning district, the medical marijuana facility use is not permitted in that zoning district.
2. Prior to submitting an application for a medical marijuana facility conditionally permitted use, the applicant shall attend a pre-development meeting with Community Development staff. In addition, prior to submitting the conditional use permit, the applicant shall submit a zone verification request for the development site to determine whether the proposed development site complies with the necessary setback requirements for a medical marijuana facilities use.
3. A medical marijuana facility must be separated from the following by a minimum of the listed distance:
 - a. 175 feet from residential zones.
 - b. 500 feet from public libraries.
 - c. 200 feet from public parks, except Miller Park which shall be 400 feet.
 - d. 500 feet from child care facilities licensed by the Oregon Department of Education (registered family child care homes, certified family child care homes, and certified child care centers).
 - e. 1000 feet from public or private elementary, secondary or career school attended primarily by minors.

School buffers listed in "3.e." above shall be measured in accordance with state methodology. For all other buffers distance is measured by a straight line measurement in a radius extending for the buffered distance in every direction from any point on the boundary line of the real property comprising the buffered use to the nearest primary or accessory structure used for medical marijuana facility use. The distance limitations are based upon the uses surrounding the proposed medical marijuana facility location at the time the facility's conditional use application is deemed complete.
4. A medical marijuana facility shall:
 - a. Not be a home occupation.
 - b. Not locate in a building that also contains a dwelling.

- c. Only locate in a permanent building and shall not locate in a temporary or movable structure, such as a trailer, cargo container or motor vehicle.
 - d. Not have a drive-up window or walk-up window.
 - e. Provide exterior lighting after sunset during business hours to light the public entrance to the facility. The lighting shall be positioned so as to not negatively impact the picture quality of any video surveillance system used by the facility.
 - f. Provide overhead lighting after sunset during business hours for any on-site parking area.
 - g. Have only one public entrance and the single public entrance shall face a public street.
 - h. Not share an air circulation system with another use.
5. A medical marijuana facility must have a current and active registration to conduct business as a facility from the Oregon Health Authority and must have a current City business license.

Sections: 10-4-4; 10-4-6; 10-4-7 Amended by Ord. 26, 2008
Section: 10-4-11-F: July, 2009 (housekeeping) Section 10-4-11 amended by Ord. No. 9, Series 2009
Section 10-4-11 amended by Ord. No. 4, Series 2010 (effective 4/5/10)
Sections 10-4-3-B, 10-4-11-D-3, and 10-4-11-D-5 amended, AND Section 10-4-10-D deleted and subsequent sections renumbered by Ordinance No. 4, Series 2011 (effective 4/22/11)
Section 10-7-7 amended; sections 10-4-2 and 10-4-7-B added; and subsequent sections renumbered by Ord. No. 3, Series 2013 – See Exhibit B (effective 7-31-13)
Section 10-4-12-D-6 amended by Ord. No. 12, Series 2014 (effective 12-31-14)

Exhibit D
ORDINANCE NO. 1, SERIES 2015

Additions are shown in double underline and deletions are shown as strike-out.

TITLE 10
CHAPTER 30

NORTH COMMERCIAL DISTRICT

10-30-3: BUILDINGS AND USES PERMITTED CONDITIONALLY:

The Planning Commission, subject to the procedures and conditions set forth in Chapters 4 and 6 of this Title may grant a conditional use permit for the following:

Medical marijuana facility

Ordinance No. 11, Series 2003, effective August 7, 2003
Section 10-30-5, J - Amended by Ord. 26, 2008
Section 10-30-5 Amended by Ord. No. 9, 2009
Section 10-30-5-N – Amended by Ord. No. 2, Series 2011 – effective March 11, 2011
Section 10-30-5-F – Amended by Ord. No. 4, Series 2011 – effective April 22, 2011
Sections 10-30-2, 10-30-3, and 10-30-6 amended by Ord. No. 3, 2013 – effective 7-31-13
Section 10-30-5-O added by Ord. No. 12, Series 2014 --effective 12-31-14

Exhibit E
ORDINANCE NO. 1, SERIES 2015

Additions are shown in double underline and deletions are shown as strike-out.

TITLE 10
CHAPTER 15

COMMERCIAL DISTRICT (C)

10-15-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

Medical marijuana facility

Amended by Ordinance No. 15, Series 1988
Section 10-15-5 D, E - Amended by Ordinance No. 26, Series 2008
Sections 10-15-4 and 10-15-5 Amended by Ordinance No. 9, Series 2009
Section 10-15-5-H added by Ordinance No. 2, Series 2011
Section 10-15-5 amended by Ordinance No. 4, Series 2011 (effective 4/22/11)
Section 10-15-2 and 10-15-3 amended by Ordinance No. 3, Series 2013, See Exhibit B (effective 7-31-13)
Section 10-15-5-I added by Ord. No. 12, Series 2014 (effective 12/31/14)

Exhibit F
ORDINANCE NO. 1, SERIES 2015

Additions are shown in double underline and deletions are shown as strike-out.

TITLE 10
CHAPTER 16

HIGHWAY DISTRICT (H)

10-16-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The following uses shall be permitted only upon affirmative findings by the Planning Commission that the proposed use meets the general criteria in Section 10-16-4 herein, with conditions to be required by the Planning Commission through the provisions of Chapter 4 of this Title.

F. Medical marijuana facility

Amended by Ordinance No. 15 Series 1988
Section 10-16-7, F, G, L - Amended by Ordinance No. 26, Series 2008
Sections 10-16-5 and 10-16-7 Amended by Ord. No. 9, Series 2009
Section 10-16-7-N added by Ord. No. 2, Series 2011
Section 10-16-5-F, 10-16-7-F amended by Ord. No. 4, Series 2011 (effective 4/22/11) Section 10-16-2-D added by Ordinance No. 3, Series 2013 (effective 7-31-13)
Section 10-16-5-D and 10-16-7-O amended by Ord. No. 12, Series 2014 (effective 12-31-14)

Exhibit G
ORDINANCE NO. 1, SERIES 2015

Additions are shown in double underline and deletions are shown as strike-out.

TITLE 10
CHAPTER 25

PROFESSIONAL OFFICE/INSTITUTIONAL ZONING DISTRICT

10-25-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapters 4 and 5 of this Title may grant a conditional use permit for the following uses, provided that they are proposed in conjunction with an upper level residential apartment or condominium permitted under Section 10-25-2, accessory residential uses, which is not less than fifty percent (50%) of the total gross floor area of the building, or, as part of a commercial planned unit development:

1. Catering services
2. Dry cleaners, pickup and delivery only
3. Printing and copy shops
4. Stationery stores
5. Travel agencies
6. Beauty/barber shops

The following uses may be permitted, subject to the procedures and conditions set forth in Chapters 4 and 5 in this Title, and are not required to contain a residential component:

6. Medical marijuana facility

Ordinance No. 15, Series 1999, Effective 9-16-99
Sections 10-25-4 and 10-25-5 amended by Ord. No. 9, Series 2009
Section 10-25-4-H amended by Ord. No. 4, Series 2011 (effective 4/22/11)
Sections 10-25-2, 10-25-3, and 10-25-5 amended by Ordinance No. 3, 2013, see Exhibit B, (effective 7-31-13)
Section 10-25-4-L amended by Ord. No. 12, Series 2014 --effective 12-31-14

Exhibit H
ORDINANCE NO. 1, SERIES 2015

Additions are shown in double underline and deletions are shown as strike-out.

TITLE 10
CHAPTER 27

MAINSTREET DISTRICT

10-27-3: Buildings and Uses Permitted Conditionally

The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

m. Medical marijuana facility

Amended by Ordinance No. 5, Series 2003, effective April 17, 2003
Section 10-27-5, E - Amended by Ordinance No. 26, Series 2008
Section 10-27-5 C 2- Amended by Ordinance No. 14, Series 2009 (effective Oct 15, 2009) Sections 10-27-4 and 10-27-5 Amended by Ordinance No. 9, Series 2009
Section 10-27-5-F amended by Ordinance No. 4, Series 2011 (effective April 22, 2011)
Sections 10-27-25, 10-27-3, 10-27-4, and 10-27-5 amended by Ord. No. 3, Series 2013 (effective 7-31-13)
Section 10-27-5-G-3 amended by Ord. No. 12, Series 2014 (effective 12-31-14)