



# 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: March 20, 2015

Jurisdiction: City of Gearhart

Local file no.: 14-005ZTA

DLCD file no.: 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 03/18/2015. 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 less than 35 days prior to the first evidentiary hearing.

### Appeal Procedures

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

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

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

### DLCD Contact

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



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

**FOR DLCD USE**  
File No.: 001-14 {22513}  
Received: 3/18/2015

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 Gearhart

Local file no.: **14-005ZTA Marijuana**

Date of adoption: 3-4-15

Date sent: 3/18/2015

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): 10-10-14

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:

**Yes, because it includes just one element of the original set of three code text amendments involving rules for marijuana dispensaries.**

Local contact (name and title): Carole Connell, AICP

Phone: 503-297-6660

E-mail: [connellpc@comcast.net](mailto:connellpc@comcast.net)

Street address: PO Box 2510

City: Gearhart

Zip: 97138-

## 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:

No Comp Plan changes

### For a change to a comprehensive plan map:

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

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

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

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

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

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

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

**For a change to the text of an ordinance or code:**

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

Gearhart Zoning Ordinance Section 3.5 General Commercial Zone

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

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

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

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

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

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

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

**ORDINANCE NO. 888**

AN ORDINANCE REGULATING MEDICAL OR MARIJUANA AND MARIJUANA INFUSED PRODUCT DISPENSARIES AMENDING THE CITY OF GEARHART ZONE ORDINANCE AS FOLLOWS:

The City of Gearhart ordains that the Gearhart Zoning Ordinance shall be modified as follows:

Section 1. AMEND GZO SECTION 3.5 GENERAL COMMERCIAL C-2 ZONE

Section 3.5 C-2 GENERAL COMMERCIAL ZONE

Section 3.520 OUTRIGHT USES PERMITTED

ADD: Medical or Marijuana and Marijuana Infused Product Dispensary subject to:

1. Dispensary must not be located within 1,000 feet of another marijuana dispensary nor within 1,000 feet of real property of a public or private elementary, secondary or career school, an established day care or preschool; nor student training facilities such as a dance studio, athletic, music and similar training facilities; nor public recreation facilities attended primarily by minors. (*“Within 1,000 feet” means a straight line measurement in a radius extended for 1,000 feet or less in every direction from a specified location or from any point on the boundary line of a specified unit of property*)
2. Dispensary must be authorized in accordance with ORS 475.314 and licensed by the Oregon Liquor Control Commission OLCC.

Passed by the City Council of the City of Gearhart this 4<sup>th</sup> day of March 2015

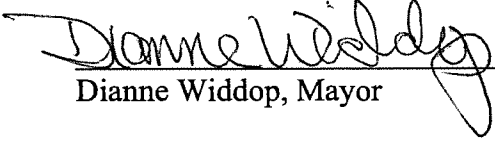
YEAS:

NAYS:

ABSENT:

ABSTAIN:

Signed and approved by the Mayor of the City of Gearhart this 4<sup>th</sup> day of March 2015.

  
Dianne Widdop, Mayor

ATTEST:

  
Chad Sweet, City Administrator