



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

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www.oregon.gov/LCD



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

Date: April 15, 2015

Jurisdiction: City of Aumsville

Local file no.: 2015-01

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 04/13/2015. 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 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

DLCD FORM 2



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

FOR DLCD USE

File No.: APR 13 2015

Received:
LAND CONSERVATION
AND DEVELOPMENT

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 Aumsville

Local file no.: n/a

Date of adoption: 3/30/15

Date sent: 4/8/2015

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): 1/29/15

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:

We added changes to update our Comprehensive Plan Map and Official Zoning Map

Local contact (name and title): City Administrator Maryann Hills

Phone: 503 749-2030

E-mail: maryann@aumsville.us

Street address: 595 Main Street

City: Aumsville

Zip: 97325-

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

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:

Section 1 - Definitions; Section 2 - Official Zoning Map; Section 4 - Zoning Regulations; Section 8 - Industrial; Section 14 - Conditional Uses; Section 21 - Site Development Review; Section 22 - Supplementary Zone Regulations

For a change to a zoning map:

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

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

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

Overlay zone designation: Acres added: Acres removed:

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

List affected state or federal agencies, local governments and special districts: Aumsville Rural Fire Distric

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.

The map amendments include a correction to the city limits line on the NW corner of Aumsville and recent parcel partitions.



City of Aumsville

595 Main Street • Aumsville, Oregon 97325

website: www.aumsville.us

Phone 503-749-2030 • Fax 503-749-1852

AUMSVILLE CITY COUNCIL NOTICE OF DECISION

You are receiving this notice because you submitted written or oral testimony into the public hearing record for this case.

APPLICANT: City of Aumsville

REQUEST: The City requested amendments to the Aumsville Development Ordinance, Aumsville Comprehensive Plan Map, and official Zoning Map. Amendments addressed Medical Marijuana Facilities (MMFs), Medical Marijuana Grow Sites (MMGs), and corrected minor typographical and scrivener errors.

DECISION CRITERIA: Aumsville Development Ordinance, Section 15.05 Criteria of Recommending an Amendment.

DECISION

On March 30, 2015, the Aumsville City Council adopted, and with the Mayor's signature, enacted Ordinance 636 approving the amendments to the Aumsville Development Ordinance, Aumsville Comprehensive Plan Map, and official Zoning Map. Amendments addressed Medical Marijuana Facilities (MMFs), Medical Marijuana Grow Sites (MMGs), and corrected minor typographical and scrivener errors.

The approved ordinance, all documents and evidence relied upon, and criteria is available for public inspection at Aumsville City Hall, and copies may be obtained at a reasonable cost. Additional information may be obtained from Lora Hofmann, Administrative Assistant at (503) 749-2030, or at City Hall, 595 Main Street, Aumsville, Oregon 97325.

APPEAL

An appeal of the City Council's decision would be to the Oregon Land Use Board of Appeals (LUBA) under ORS 197.830 to 197.845. A notice of intent to appeal must be filed not later than 21 days after notice of the decision is mailed or otherwise submitted to parties. If you have questions about the appeal process contact LUBA at 775 Summer Street, Suite 330, Salem, OR, 97301-1283 or phone: (503) 373-1265.

Mailed this 9th day of April, 2015.

AN ORDINANCE AMENDING ORDINANCE NO. 323, THE DEVELOPMENT ORDINANCE AND TO UPDATE THE AUMSVILLE COMPREHENSIVE PLAN MAPS IN ORDINANCE NO. 465.

The city of Aumsville ordains as follows:

SECTION 1: Ordinance No. 323, Section 1.00 – Definitions is amended to add the following definitions:

Medical Marijuana Facility (MMF): A facility registered with the Oregon Health Authority pursuant to ORS 475.314.

Medical Marijuana Grow Site (MMG): A location registered with the Oregon Health Authority pursuant to ORS 475.304 where marijuana is produced for use by a registry identification cardholder.

SECTION 2: Ordinance No. 323, Section 4.00 (Application of Zoning Regulations) Title Page is amended to read as follows:

SECTION 4.00

APPLICATION OF ZONING REGULATIONS

- 4.01 Purpose and Intent
- 4.02 Minimum Requirements
- 4.03 Maintenance of Ordinance Requirements
- 4.04 Effects on Other Requirements
- 4.05 Establishment of Major Zoning Districts
- 4.06 Overlay Districts
- 4.07 Access
- 4.08 Conformance and Permits Required
- 4.09 Authorization or Similar Uses
- 4.10 Non-Conforming Uses
- 4.11 Non-Conforming Building
- 4.12 Non-Conforming Lot

SECTION 3: Ordinance No. 323, Section 8.02, Subsection (A) and Subsection (D) are amended to read as follows:

8.02 Conditional Uses:

- (A) Agriculture:
 - 1. Soil preparation services;
 - 2. Crop services;
 - 3. Medical Marijuana Grow Site (MMG).

(D) Other Uses:

1. Recycling depots;
2. Planned industrial unit development;
3. Medical Marijuana Facility (MMF) subject to Section.22.18

SECTION 4: Ordinance No. 323, Section 14.05 Criteria for Granting a Conditional Use is amended to read as follows:

14.05 Criteria for Granting a Conditional Use

- (A) The proposal will be consistent with the Comprehensive Plan and the objectives of the Development Ordinance and other applicable policies of the city.

SECTION 5: Ordinance No. 323, Section 21.03 Applicability of Provisions, Subsection (A) 10 is amended to read as follows:

10. Other development, when required by a condition of approval.

SECTION 6: Ordinance No. 323, Section 22.00 Title page is amended to add 22.18 Medical Marijuana Facilities.

SECTION 7: Ordinance No. 323, is amended to add the following Section 22.18:

22.18 Medical Marijuana Facilities:

- (A) Application for a Medical Marijuana Facility (MMF) shall be made by a person responsible for a medical marijuana facility (PRF) as defined in OAR 333-008-1010, and include evidence that the MMF is registered with the Oregon Health Authority pursuant to ORS 475.314.
- (B) No MMF shall be permitted within 1,000 feet of real property comprising any of the following uses:
1. Public or private preschool, elementary, secondary, or career school primarily attended by minors
 2. Daycare or child care facility licensed by the State of Oregon
 3. Public park, playground, recreation facility, or athletic field
 4. Church
 5. Another MMF

The 1,000 feet shall be measured by a straight line extending in every direction from any point on the boundary line of the real property comprising the uses listed above.

- (C) A MMF shall not operate between the hours of 7:00pm and 10:00 am.

- (D) A MMF shall be located entirely within a permanent building and shall not include

drive-through facilities.

- (E) A MMF shall continue to be registered in good standing with the Oregon Health Authority.
- (F) A MMF legally permitted pursuant to this Ordinance shall not be found in conflict with this Ordinance in the event that a conflicting use locates within 1,000 feet of the MMF subsequent to the MMF obtaining land use approval from the City. If such a conflict arises, the MMF shall be considered a legal non-conforming use and shall be subject to Section 4.10.

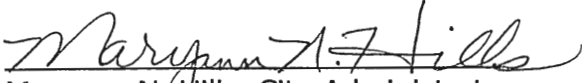
SECTION 8: Comprehensive Plan Maps. Aumsville Comprehensive Plan Map 2.1 and Map 2.2 are amended as shown on attached Exhibit "A" and Exhibit "B".

SECTION 9: Development Ordinance Zoning Map Change. The official Zoning Map, as described in Section 2.00 of Ordinance No. 323, is amended as shown on the attached Exhibit "B".

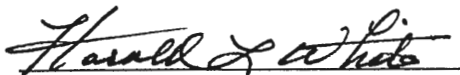
SECTION 10: Validity. Except as amended herein the remainder of Ordinance No. 323 shall remain in full force and effect.

SECTION 11: Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

PRESENTED AND PASSED the first reading on the 16th day of March, 2015. PASSED its second reading on the 30th day of March, 2015. ADOPTED by the Aumsville City Council by on 30th day of March, 2015.


Maryann N. Hills, City Administrator

SIGNED by the mayor this 1 day of April, 2015


Harold L. White, Mayor

STAFF REPORT

TO: Aumsville City Council
FROM: Joseph Shearer, City Planner
SUBJECT: Aumsville Development Ordinance Amendment
DATE: March 6, 2015
HEARING DATE: March 9, 2015

APPLICANT: City of Aumsville

PROPERTY LOCATION: The proposal is a text amendment to the Development Ordinance and includes provisions which apply generally to property zoned Industrial (I).

REQUEST: Staff has compiled an amendment to the Aumsville Development Ordinance, Aumsville Comprehensive Plan Map, and official Zoning Map. These amendments are attached to this Staff Report. The request discussed herein was recommended for approval by the Aumsville Planning Commission to the Aumsville City Council on March 5, 2015. As provided in Section 15.06 of the Development Ordinance, the City Council takes final action on proposed amendments.

DECISION CRITERIA: Aumsville Development Ordinance, Section 15.05 Criteria of Recommending an Amendment.

RELATED DOCUMENTS:

- Proposed Amendments to the Aumsville Development Ordinance dated March 6, 2015
- City Map with 1,000 ft buffers
- City of Aumsville Comprehensive Plan Map 2.1
- City of Aumsville Zoning Map 2.2

I. BACKGROUND

The Oregon Medical Marijuana Act was passed by Ballot Measure 67 in 1998 and is codified in ORS 475.300 – 475.346. In 2013, House Bill 3460 created a medical marijuana registration system and allowed medical marijuana facilities (MMFs) to be located in certain zones, including commercial, industrial, and mixed use.

On March 19, 2014, Senate Bill 1531 was signed into law giving local governments the ability to impose certain regulations and restrictions on the operation of medical marijuana dispensaries. It also gave local jurisdictions the ability to impose a moratorium on MMFs up until May 1, 2015. On April 14, 2014, the City of Aumsville passed Ordinance 627, which declared a moratorium on MMFs effective until May 1, 2015.

The Planning Commission and City Council conducted a joint meeting on December 8, 2014 and gave staff general direction to follow legislative action and administrative rulemaking related to the marijuana issue, and consider potential standards that could be implemented as amendments to the Aumsville Development Ordinance in line with the regulations authorized by SB 1531.

While administrative rulemaking continues related to Measure 91 (recreational marijuana), the

legislature has not taken further action to address either the medical or recreational marijuana programs in the State of Oregon. Due to State and local procedural requirements, the City must move forward directly in order to have any Development Ordinance amendments regulating MMFs in place by May 1, 2015.

II. SUMMARY OF PROPOSED AMENDMENTS

The primary purpose of the proposed amendments is to create "reasonable regulations" as allowed by SB 1531 to minimize conflicts between MMFs and surrounding uses. The amendment also clarifies the relationship between Medical Marijuana Grow Sites (MMGs) and agricultural uses permitted in the Industrial Zone. Absent an update to the Development Ordinance, beginning on May 1, 2015 it is possible that an Applicant could request review of a MMF under the existing provisions of the Aumsville Development Ordinance as a "medical office," "drugstore," or "other similar development". Without specific criteria addressing MMFs, the City could be forced to make interpretations of the Development Ordinance that could be subject to legal challenge and it could become more difficult to mitigate conflicts with surrounding uses. The proposed amendment seeks to add clarity and certainty to the Development Ordinance.

Staff has also identified minor typographical or grammatical corrections needed in the Aumsville Development Ordinance. These corrections do not affect conformance with the Comprehensive Plan or Statewide Planning Goals.

The proposed amendments are listed comprehensively with a summary explanation in the related document "Proposed Amendments 2015" dated March 6, 2015.

III. CRITERIA AND FINDINGS

Statewide Planning Goals

The State adopted 19 goals for state and local land use decisions. The Statewide Planning Goals applicable to the proposed amendment are Goal 1 and Goal 2. The proposed amendment complies with the Goals as described below:

Goal 1 Citizen Involvement: Requires that the City develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. Agency and public notice are provided as required by law. A public hearing by the Planning Commission was held on March 5, 2015 and the City Council will hold at least one public hearing scheduled for March 9.

Goal 2 Land Use Planning: Requires that the City establish a land use planning process and policy framework as a basis for all decisions related to the use of land and to assure an adequate factual basis for such decisions. The acknowledged Aumsville Development Code contains procedures and requirements for facts and findings.

Aumsville Development Ordinance

Section 15.00 establishes procedures and criteria for all text amendments involving either the Comprehensive Plan or the Development Ordinance. The specific decision criteria are contained in Section 15.05 and are addressed below.

Section 15.05 Criteria of Recommending an Amendment:

(A) That the requested change is in conformance with the adopted Comprehensive Plan of the city.

(B) That there was a mistake or an update needed in the original ordinance or map.

FINDING: The proposed amendment to the Development Ordinance accomplishes three things. First, it creates a regulatory pathway for a new use, MMFs, as mandated by State law. SB 1531 also authorizes local jurisdictions to impose “reasonable regulations” on the operation of MMFs. MMFs would be permitted as a conditional use in the Industrial Zone, subject to additional standards which limit potential impacts on surrounding properties and uses. Secondly, it clarifies how MMGs relate to agricultural uses, and provides for the siting of MMGs in compliance with the Comprehensive Plan under Section 14.00. Finally, the amendment fixes errors in the development ordinance and perfects past amendments to the map.

The Comprehensive Plan lists two goals under the Industrial heading:

- 1. To maintain existing industries and encourage development of a sound economic base through diversified industries.*
- 2. To increase and broaden employment opportunities for area residents and stimulate growth of retail and service-related activities.*

The proposed amendment does not affect regulation of existing businesses or industrial uses. Staff finds the amendment maintains and protects existing business and allows a new use (MMFs), while imposing standards to minimize negative impacts on areas frequented by children.

(C) That the conditions in the area have changed since adoption of the ordinance and/or zoning map.

FINDING: The condition that has changed is the passage of SB 1531, and the requirement to allow for the permitting of MMFs within the City. Public discourse and questions from the public related to medical marijuana have indicated that further clarity around MMGs is needed.

(D) The amendments will not interfere with the development or value of other land in the vicinity.

FINDING: The proposed amendment does not further restrict the development of land in the vicinity, and the imposition of reasonable regulations on MMFs will protect the value of adjacent properties.

(E) The amendment will not be detrimental to the general interest of the city and that there is a public need for the amendment.

FINDING: Compliance with State law and clarity about permitted uses is in the general interest of the city and a public need. Fixing typographical or grammatical errors keeps the development ordinance clean and easier to navigate.

(F) That there is no other appropriately zoned property that could be used.

FINDING: The proposed amendment does not change the zoning of any property. Therefore, this criterion is not applicable.

(G) That the amendment will not over-burden existing and future capacity of public facilities.

FINDING: The proposed amendment clarifies a currently permitted use and permits a new use affecting public facilities consistent to other uses currently allowed in the Industrial Zone. Each specific development proposal made in relation to the proposed amendments will need to meet

engineering and Public Works standards for integration with public facilities. Staff finds the proposed amendment will not over-burden existing and future capacity of public facilities.

(H) That the amendment shall comply with applicable state and federal laws and regulations.

FINDING: The amendment is proposed due to changes in State law. Additional legislative changes, administrative rulemaking, and applicable case law may allow or require additional amendments to the Development Ordinance related to MMFs and MMGs.

(I) That the amendment shall comply with the Urban Growth Boundary and Policy Agreement existing between the city and Marion County.

FINDING: The proposed amendments address policies and development which comply with the Urban Growth Boundary, and have no effect on existing Policy Agreements between the City and Marion County.

IV. CONCLUSION AND STAFF RECOMMENDATION

Staff concludes that the proposed amendments comply with the applicable decision criteria. Staff recommends that the City Council consider the recommendation of the Planning Commission, adopt the findings in the staff report, and approve the proposed ordinance amendments.

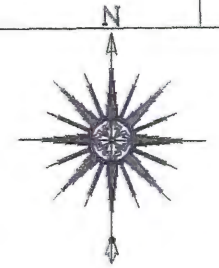
V. CITY COUNCIL OPTIONS












The City Council has the following options regarding the proposed amendments to the Development Ordinance:

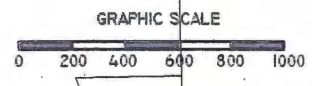
1. Approve the ordinance amendment and adopt the findings contained in the staff report.
2. Approve the ordinance amendment with amended findings.
3. Approve a modified ordinance amendment with amended findings.
4. Deny the ordinance amendment.
5. Continue the hearing, to a date and time certain, if additional information is needed to determine whether applicable standards and criteria are sufficiently addressed.

Based on the decision of the City Council, Staff will prepare an Ordinance for signature.

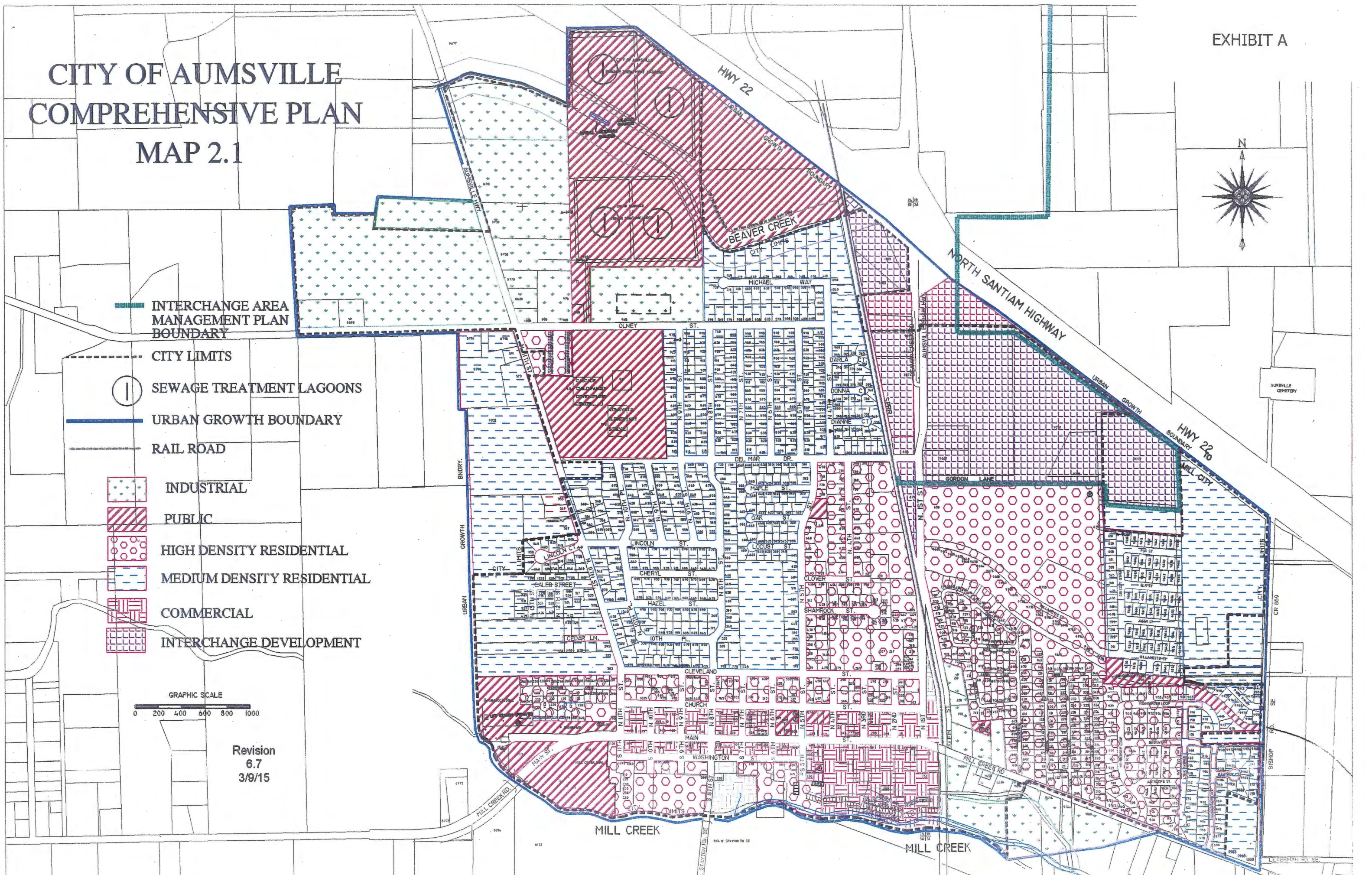
CITY OF AUMSVILLE COMPREHENSIVE PLAN MAP 2.1



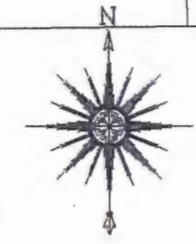
-  INTERCHANGE AREA MANAGEMENT PLAN BOUNDARY
-  CITY LIMITS
-  SEWAGE TREATMENT LAGOONS
-  URBAN GROWTH BOUNDARY
-  RAIL ROAD
-  INDUSTRIAL
-  PUBLIC
-  HIGH DENSITY RESIDENTIAL
-  MEDIUM DENSITY RESIDENTIAL
-  COMMERCIAL
-  INTERCHANGE DEVELOPMENT



Revision
6.7
3/9/15



CITY OF AUMSVILLE ZONING MAP 2.2










INTERCHANGE AREA
MANAGEMENT PLAN
BOUNDARY

CITY LIMITS

SEWAGE TREATMENT LAGOONS

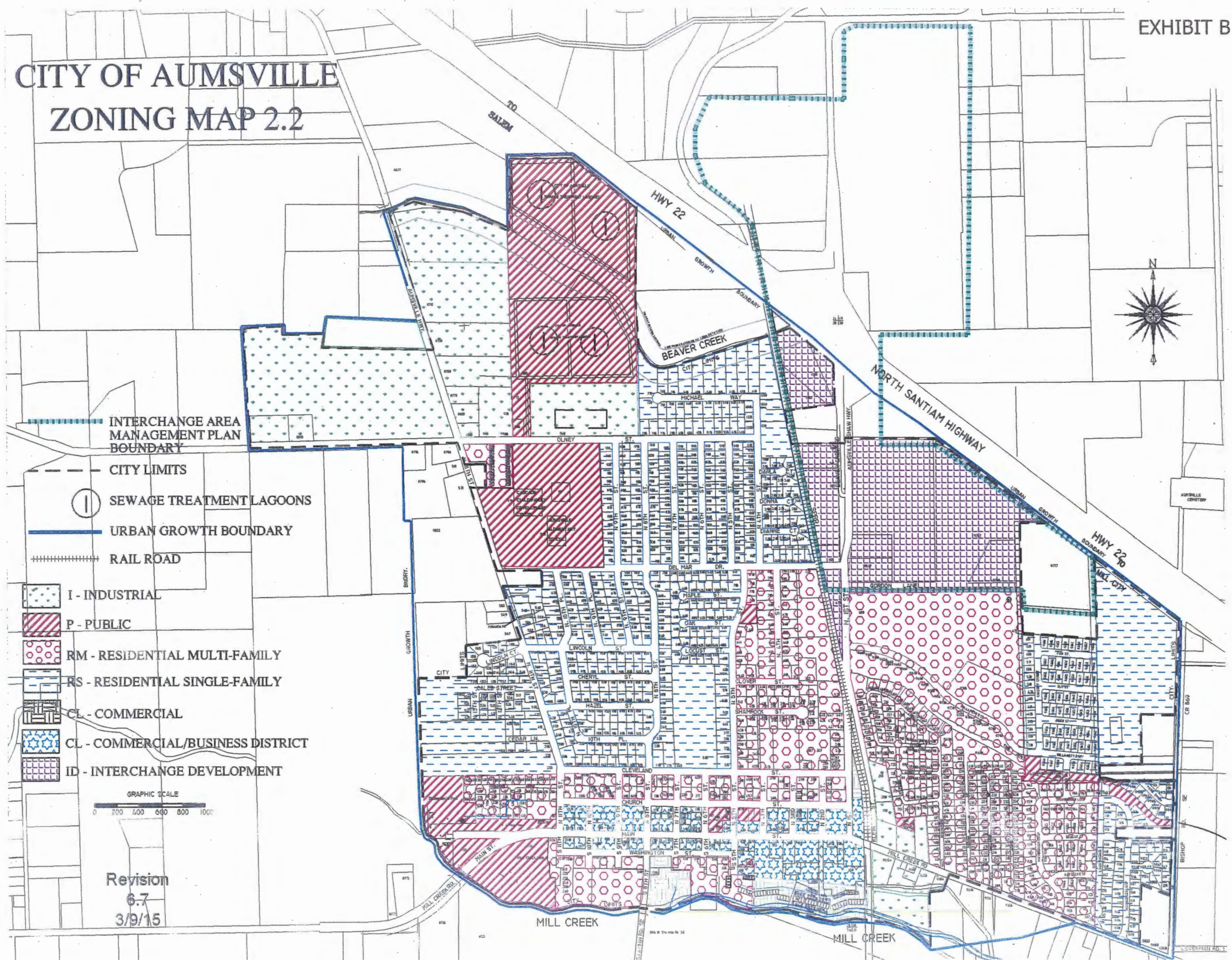
URBAN GROWTH BOUNDARY

RAIL ROAD

-  I - INDUSTRIAL
-  P - PUBLIC
-  RM - RESIDENTIAL MULTI-FAMILY
-  RS - RESIDENTIAL SINGLE-FAMILY
-  CL - COMMERCIAL
-  CL - COMMERCIAL/BUSINESS DISTRICT
-  ID - INTERCHANGE DEVELOPMENT



Revision
6.7
3/9/15



y of Aumsville
5 Main Street
msville, OR 97325



DEPT OF
APR 13 2015
LAND CONSERVATION
AND DEVELOPMENT

ATTN: PLAN AMENDMENT SPEC.
DLCD
635 CAPITOL ST NE, #150
SALEM, OR 97301-2540