



Oregon

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

Date: July 20, 2015
Jurisdiction: City of Bandon
Local file no.: 15-005
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 07/16/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

Appeal Procedures

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

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

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

DLCD Contact

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



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

FOR DLCD USE	
File No.:	001-15 {23718}
Received: 7/16/2015	

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 Bandon

Local file no.: **15--05**

Date of adoption: May 5, 2015 Date sent: July 16, 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): March 26, 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:

Proposal was for 1,000' from school property - Adopted is 1,500' from school property

Proposal did not consider Head Start as a part of the definition of school property - Adopted included Head Start

Proposal did not include additional definitions

Local contact (name and title): Michelle Hampton

Phone: 541-347-2437

E-mail: mhampton@ci.bandon.or.us

Street address: 555 Highway 101

City: Bandon

Zip: 97411-

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:

- Chapter 16.42.10 - definitions
- Chapter 17.44 - General Commercial
- Chapter 17.52 - Light Industrial
- Chapter 17.92 - Condition Uses
- Chapter 17.96 - Off-Street Parking

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):

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.

ORDINANCE NO. 1616

AN ORDINANCE AMENDING BANDON MUNICIPAL CODE TITLE 16 AND 17 TO
PROVIDE FOR MEDICAL MARIJUANA FACILITIES (MMF)

WHEREAS the Planning Commission and the City Council having held workshops and public hearings after all due notice to consider the implementation of the legislation providing for medical marijuana facilities,

NOW THEREFORE the City of Bandon ordains as follows:

There shall be added to the conditional use or allowable uses for the General Commercial (C-2) and Light Industrial (L-I) Zones the use of medical marijuana facilities by stating: Medical Marijuana Facilities as such definition as exists under Oregon State law. Oregon Administrative Rules. and as amending the Bandon Municipal Code. Chapter 16.42.1 0, said use being licensed and conditioned and governed or adhering to all governing rules and obligations of the state. In addition, thereto having the following local requirements of the City of Bandon, namely:

- A.) Must acquire a conditional use permit and provide proof of State licensing. Permit must have a description of location, nature of the operation, accounting and inventory control system used, and names and addresses of individuals with financial interest in the dispensary.
- B.) Must meet all City land-use, building, and fire laws.
- C.) May not produce any extracts, oils, resins, or other derivatives on-site. Marijuana and marijuana-infused products cannot be used on-site.
- D.) Must utilize air filtration and ventilation systems to confine objectionable odors.
- E.) Anyone convicted of the manufacture or delivery of a controlled substance once or more in the previous 5 years or twice in a lifetime cannot be an operator or employee or have a financial interest in the dispensary.
- F.) Minimum parking space requirements will be one space per six hundred (600) square feet of floor area plus one space per two employees.
- G.) Hours of Operation any eight hours between the hours of 8 A.M. and 8 P.M.
- H.) No display promoting or showing any product that can be seen by the public or adjacent public right of way
- I.) Adhering to all requirements of Bandon Code
- J.) Medical Marijuana Facilities may not be combined with any other marijuana facility.

Including Medical Marijuana Facility (MMF) as a conditional use in the General Commercial (C-2) Zone and the Light Industrial (LI) Zone and creating off street parking requirements for such a facility.

No medical marijuana facility may be located within 1500 linear feet of any boundary line of the following described property, owned by the school district:

2S-14-30AB, Tax Lot(s): 2300

2S-14-30AC, Tax Lot(s): 11S00

28-15-25DA, Tax Lot(s): 5800 and 6000

28-15-25DB, Tax Lot(s): 93000

28-15-25DC, Tax Lot(s): 9100

28-15-25DD, Tax Lot(s): 300, 600, 1500, 3200, 3300, 4001, 4100, 4600, 4801,
and

6300.

In addition, no medical marijuana facility may be located within 1500 linear feet of any boundary line of 28-14-30CA, Tax Lot(s) 6500, which currently operates as a Head Start facility.