



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

02/25/2014

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Sandy Plan Amendment
DLCD File Number 005-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, March 12, 2014

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Tracy Brown, City of Sandy
Gordon Howard, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

<paa> YA



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

FOR DLCD USE
File No.: 005-13 (20139)
[17770]
Received: 2/19/2014

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 Sandy

Local file no.: **13-039 DCA**

Date of adoption: 2/18/14 Date sent: 2/19/2014

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): 12/17/13
- 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:

Minor amendments including a new definition for medical facilities and included 1000ft. buffer to parks.

Local contact (name and title): Tracy Brown, Planning Director

Phone: 503-668-4886 E-mail: tbrown@ci.sandy.or.us

Street address: 39250 Pioneer Blvd City: Sandy Zip: 97055

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:

Ordinance No. 2014-01 amends Chapter 17.50 by listing medical marijuana facility as a conditional use, requiring a separation between such facilities and parks, and adding a new definition for medical facility to Chapter 17.10.

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:

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. 2014-01

AN ORDINANCE AMENDING CHAPTER 17.50 OF THE SANDY MUNICIPAL CODE BY LISTING MEDICAL MARIJUANA FACILITY AS A CONDITIONAL USE, REQUIRING A SEPARATION BETWEEN SUCH FACILITIES AND PARKS, ADDING A NEW DEFINITION FOR MEDICAL FACILITY TO CHAPTER 17.10 AND DECLARING AN EMERGENCY.

Whereas, Section 17.50.20(B) specifies those uses requiring Conditional Use Permit review prior to approval in the I-2, Light Industrial Zoning District;

Whereas, Ordinance No. 2014-03 adopted by City Council January 21, 2014, effectively prohibits medical marijuana facilities;

Whereas, the Sandy Development currently lists "medical facility" as a permitted use but does not provide a definition for such use;

Whereas, the addition of medical marijuana facilities as a conditional use in the I-2 zone ordinance will only apply if the Sandy City Council repeals Ordinance No. 2014-03;

Whereas, although state law currently limits medical marijuana facilities from locating within 1000 ft. of another facility and 1000 ft. from schools, the Sandy City Council wants to further limit these facilities from locating within 1000 ft. of parks, a place where children congregate; and

Whereas, if the council repeals Ordinance No. 2014-03 in the future, medical marijuana facilities (authorized by state law) will be permitted as a conditional use in the I-2 Zoning District and no other zone.

NOW, THEREFORE, THE CITY OF SANDY ORDAINS AS FOLLOWS:

Section 1: Section 17.50.20(B) of the Sandy Municipal Code shall be amended as follows:

B. Conditional Uses:

1. Automotive fueling station;
2. Concrete or asphalt batch plant;
3. Convenience market/store of less than 2,500 gross square feet
4. Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATM, restaurants, car wash, quick vehicle servicing, and similar uses);
5. Major public facility;
6. Medical marijuana facility (authorized by state law)
6. 7. Stand-alone retail uses of less than 5,000 gross square feet;
7. 8. Other uses similar in nature.

Section 2: Section 17.52.40 shall be amended to create a new subsection (C) as follows: "A medical marijuana facility shall be further restricted from locating in the I-2 Zoning District within 1000 ft. of a public park, including the Tickle Creek Trail."

Section 3: Section 17.10.030 of the Sandy Municipal Code shall be amended to add a definition for "medical facility" as follows: *"A building or portion of a building designed and used for the diagnosis and treatment of human patients or animals including clinic, hospital, and laboratory, but excluding medical marijuana facility, as authorized by state law."*

Section 4: A medical marijuana facility will only exist as a conditional use in the I-2 zoning district and no other zoning district if the city council repeals Ordinance No. 2014-03. Therefore, the amendments in Section 1 and 2 of this ordinance will only be effective if Ordinance No. 2014-03 is repealed and the amendments will not be codified until that time.

Section 5: The definition for "medical facility" as described in Section 3 of this ordinance will be effective immediately.

Section 6: In order to protect the health, safety and welfare of Sandy, its residents and its visitors, the council declares an emergency to exist. Therefore, this ordinance will take effect immediately upon its adoption.

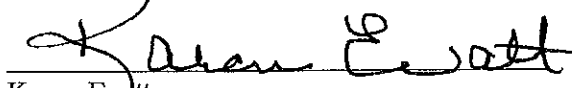
Section 7: All remaining provisions of the Sandy Comprehensive Plan and Title 17 of the Sandy Municipal Code are reaffirmed in their entirety.

THIS ORDINANCE IS ADOPTED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR THIS 18th DAY OF FEBRUARY, 2014.



William King
Mayor

ATTEST:



Karen Evatt
City Recorder