



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: 09/19/2014
Jurisdiction: City of Veneta
Local file no.: A-2-14
DLCD file no.: 002-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 01/01/0001. 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 47 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.: 002-14 {19957}

Received: 9/15/2014

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: Veneta

Local file no.: **A-2-14**

Date of adoption: 9/8/14

Date sent: 9/15/2014

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): 4/18/14

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:

No

Local contact (name and title): Kay Bork

Phone: 541-935-2191

E-mail: kbork@ci.veneta.or.us

Street address: 88184 Eighth Street

City: Veneta

Zip: 97405-

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:

VENETA LAND DEVELOPMENT ORDINANCE 493, SECTIONS 4.05 THROUGH 4.09 AND SECTION 13.02

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: NONE

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 VENETA ADOPTING ORDINANCE NO 514

ORDINANCE NO. 514

**AN ORDINANCE AMENDING SECTIONS 4.05 THROUGH 4.09 AND SECTION 13.02
OF THE VENETA LAND DEVELOPMENT ORDINANCE NO. 493**

WHEREAS, during the 2013 Special Legislative Session, the Oregon Legislature passed HB 3460, which allows for the establishment and registration of medical marijuana facilities; and

WHEREAS, HB 3460 took effect March 1, 2014, and the Oregon Health Authority began accepting applications for registration of medical marijuana facilities on March 3, 2014; and

WHEREAS, the 2014 Oregon Legislature approved Senate Bill 1531, which explicitly allows cities in Oregon to adopt reasonable regulations on the operations of medical marijuana facilities, including: (1) reasonable limitations on the hours during which a medical marijuana facility may be operated; (2) reasonable limitations on where a medical marijuana facility may be located within an agricultural, industrial, commercial, or mixed-use zone; and (3) reasonable conditions on the manner in which a medical marijuana facility may dispense medical marijuana; and

WHEREAS, the Veneta City Council held separate work sessions on March 14, 2014, and April 14, 2014, to review potential amendments; and

WHEREAS, on April 18, 2014, the City of Veneta properly notified the Department of Land Conservation and Development of the proposed amendments to Veneta's Land Development Ordinance 493; and

WHEREAS, notice of a public hearing before the Planning Commission was mailed to all effected property owners in compliance with ORS 227.186; and

WHEREAS, notice of a public hearing before the Planning Commission was published in the Fern Ridge Review on May 21, 2104, and May 28, 2014 and notice of a public hearing before the City Council was published in the Fern Ridge Review on July 30, 2014; and

WHEREAS, the Planning Commission held a properly noticed public hearing on the proposed amendments on July 1 2014, adopted findings of fact, and recommended to the City Council that Veneta Land Development Ordinance 493 be amended as presented in this Ordinance; and

WHEREAS, the Veneta City Council held a properly noticed public hearing on August 11, 2014 and took testimony on this matter; and

WHEREAS based upon all materials relevant to this proposal, including staff reports, the findings made by the Veneta Planning Commission, testimony and

comments submitted at public hearings, both orally and in writing, and the findings of fact attached hereto as Exhibit A; now, therefore,

THE CITY OF VENETA ORDAINS AS FOLLOWS:

Section 1. The City hereby adopts the Findings of Fact set forth above and in the attached Exhibit A as its basis for adopting the following amendments to Land Development Ordinance 493.

Section 2. City of Veneta Land Development Ordinance 493, Section 4.05(2)(b) is hereby amended to renumber subsection (5) as subsection (6) and to insert a new subsection (5) to read as follows:

- “5. Medical Marijuana Facility, when not located within 1,000 feet of real property comprising a public park.

For purposes of this subsection, “within 1,000 feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction from any point on the boundary line of the real property comprising an existing, public park. This buffer shall not apply to new parks located within 1,000 feet of an existing Medical Marijuana Facility.”

Section 3. City of Veneta Land Development Ordinance 493, Section 4.06(2) is hereby amended to insert the following text as subsection (i) and to reletter the existing subsections (i) through (t) as (j) through (u):

- “(i) Medical Marijuana Facility, when not located within 1,000 feet of real property comprising a public park.

For purposes of this subsection, “within 1,000 feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction from any point on the boundary line of the real property comprising an existing, public park. This buffer shall not apply to new parks located within 1,000 feet of an existing Medical Marijuana Facility.”

Section 4. City of Veneta Land Development Ordinance 493, Section 4.07(2) is hereby amended to insert the following text as subsection (j) and to reletter the existing subsections (j) through (q) as (k) through (r):

- “(j) Medical Marijuana Facility, when not located within 1,000 feet of real property comprising a public park.

For purposes of this subsection, “within 1,000 feet” means a straight line measurement in a radius extending for 1,000 feet or less in every

direction from any point on the boundary line of the real property comprising an existing, public park. This buffer shall not apply to new parks located within 1,000 feet of an existing Medical Marijuana Facility.”

Section 5. City of Veneta Land Development Ordinance 493, Section 4.08(2) is hereby amended to insert the following text as subsection (f) and to reletter the existing subsections (f) through (l) as (g) through (m):

“(f) Medical Marijuana Facility, when not located within 1,000 feet of real property comprising a public park.

For purposes of this subsection, “within 1,000 feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction from any point on the boundary line of the real property comprising an existing, public park. This buffer shall not apply to new parks located within 1,000 feet of an existing Medical Marijuana Facility.”

Section 6. City of Veneta Land Development Ordinance 493, Section 4.09(2) is hereby amended to insert the following text as subsection (k) and to reletter the existing subsections (k) through (n) as (l) through (o):

“(k) Medical Marijuana Facility, when not located within 1,000 feet of real property comprising a public park.

For purposes of this subsection, “within 1,000 feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction from any point on the boundary line of the real property comprising an existing, public park. This buffer shall not apply to new parks located within 1,000 feet of an existing Medical Marijuana Facility.”

Section 7. City of Veneta Land Development Ordinance 493, Section 13.02 is hereby amended to include the following additional definition, to be inserted alphabetically:

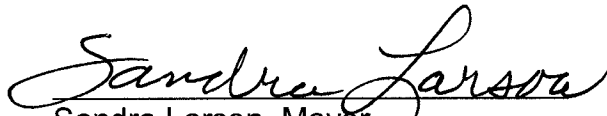
Medical Marijuana Facility	A facility registered with the Oregon Health Authority under ORS 475.314 and OAR 333-008-1050 to: i. Accept the transfer of usable marijuana and immature marijuana plants from a registry identification cardholder, the designated primary caregiver of a registry identification cardholder, or a person responsible for a marijuana grow site to
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	<p>the medical marijuana facility; or</p> <p>ii. Transfer usable marijuana and immature marijuana plants to a registry identification cardholder or the designated primary caregiver of a registry identification cardholder.</p>
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READ FOR A FIRST TIME, BY TITLE ONLY, this 11 day of August, 2014, no Council person in attendance having requested that it be read in full.

READ FOR A SECOND TIME, BY TITLE ONLY, AND FOR FINAL ADOPTION, this 8 day of September, 2014, no Council person present having requested that it be read in full.

PASSED AND ADOPTED by a 5 vote for and 0 against by the City of Veneta Council this 8, day of September, 2014.


 Sandra Larson, Mayor
 Executed on 9-8-14

ATTEST:



 Darci Henneman, Assistant City Recorder
 Executed on 9-8-14

EXHIBIT A

**VENETA CITY COUNCIL
FINDINGS OF FACT
File # A-2-14**

The Veneta City Council adopts the following Findings of Facts in support of the proposed amendments to Veneta Land Development Ordinance 493, as shown in Exhibit B to Ordinance No. 514.

FINDINGS

**VENETA LAND DEVELOPMENT ORDINANCE NO. 493
SECTION 1.02 PURPOSE:**

“The purpose of this ordinance is to establish standards and procedures for the orderly development of land within the City of Veneta; to assist in implementing the Veneta Comprehensive Plan and to promote the public health, safety and general welfare.”

1. The 2014 Oregon Legislature approved Senate Bill 1531, which explicitly allows cities in Oregon to adopt reasonable regulations on the operations of medical marijuana facilities, including: (1) reasonable limitations on the hours during which a medical marijuana facility may be operated; (2) reasonable limitations on where a medical marijuana facility may be located within an agricultural, industrial, commercial, or mixed-use zone; and (3) reasonable conditions on the manner in which a medical marijuana facility may dispense medical marijuana.
2. The proposed amendments place reasonable regulations on the location of medical marijuana facilities in order to protect the public health, safety and general welfare of the City.

**VENETA LAND DEVELOPMENT ORDINANCE NO. 493
SECTION 11.01 AUTHORIZATION TO INITIATE AMENDMENTS:**

“An amendment to the text of this ordinance may be initiated by the City Council, the City Planning Commission or by application of a property owner or city resident.”

3. The City Council initiated the amendments to address siting of medical marijuana facilities at their April 14, 2014 regular meeting.

**VENETA COMPREHENSIVE PLAN, ORDINANCE NO. 504
III. PLAN ELEMENTS AND POLICIES - COMMUNITY, BUILDING, AND SITE
DESIGN ELEMENTS POLICIES:**

"1. Provide a mix of compatible land uses offering a variety of activities and destinations."

4. Restricting Medical Marijuana Facilities to locate 1000 feet from public parks is consistent with the Oregon Health Authority's requirement (OAR 333-008-1110(3)(b) to locate these facilities 1000 feet from "public or private elementary, secondary or career school attended primarily by minors" since minors will likely congregate at public parks.

V. IMPLEMENTATION AND UPDATE TO THE PLAN

A. IMPLEMENTATION:

"Review of the Zoning Ordinance should occur on a periodic basis to ensure that it keeps pace with the changes in the community or with changes in the Comprehensive Plan."

5. The proposed amendments are in response to changes in the community as a result of House Bill 3460 which required the Oregon Health Authority to establish rules and regulations for registering Medical Marijuana Facilities and on March 1, 2014 began accepting applications for registration of medical marijuana facilities and Senate Bill 1531, which explicitly allows cities in Oregon to adopt reasonable regulations on the operations of medical marijuana facilities, including: (1) reasonable limitations on the hours during which a medical marijuana facility may be operated; (2) reasonable limitations on where a medical marijuana facility may be located within an agricultural, industrial, commercial, or mixed-use zone; and (3) reasonable conditions on the manner in which a medical marijuana facility may dispense medical marijuana; and