



# 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: June 29, 2015

Jurisdiction: Coos County

Local file no.: AM-15-05

DLCD file no.: 004-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 06/24/2015. 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](mailto:plan.amendments@state.or.us)



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

**FOR DLCD USE**  
File No.: 004-15 {23774}  
Received: 6/26/2015

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: Coos County

Local file no.: **AM-15-05 Part A**

Date of adoption: June 24, 2015

Date sent: 6/29/2015

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): 4/29/15

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:

**The only portion that was adopted was medical dispensaries at this time. The changes relate to distance and allowing as a permitted use subject to standards in the Commerical Zone.**

Local contact (name and title): Jill Rolfe, Planning Director

Phone: 541-396-7770

E-mail: [planning@co.coos.or.us](mailto:planning@co.coos.or.us)

Street address: 225 N. Adams

City: Coquille

Zip: 97423-

## 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:

This will be included in Chapter 4 of the Coos County Zoning and Land Development Ordinance.

**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: ODR, ODA, Oregon Health Authority, 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.

1 BOARD OF COMMISSIONERS

2 COOS COUNTY

3 STATE OF OREGON

4 In The Matter of Adoption of Medical Marijuana  
5 Facilities and Declaring an Emergency

ORDINANCE No.: 15-05-006PL

6  
7  
8 THE BOARD OF COMMISSIONERS for the County of Coos ordains as follows:

9 SECTION 1. TITLE

10 This Ordinance shall be known as the "Coos County Ordinance No. 15-05-006PL".

11 SECTION 2. AUTHORITY

12 This ordinance is enacted pursuant to the provisions of ORS 203.035 and Chapter 215;

13 SECTION 3. PURPOSE

14 The purpose of this Ordinance is to amend the Coos County Ordinance 85-03-004L and  
15 amendments thereto, which is the Coos County Zoning & Land Development Ordinance that implements  
16 Volume I, II and III of the Coos County Comprehensive Plan;

17 SECTION 4. FINDINGS

18 WHEREAS Coos County by Ordinance No. 14-03-002L adopted and extended a Moratorium  
19 on Medical Marijuana Facilities and Declaring an Emergency effective until May 1, 2015 as authorized under  
20 2014 Oregon Senate Bill 1531; and

21 WHEREAS the Oregon Legislature has not been willing to extend the moratorium  
22 authorization beyond May 1, 2015. Based on the fact that staff has been working to establish regulations that  
23 will be adopted as part of the Coos County Zoning and Land Development Ordinance with regards to medical  
24 marijuana facilities and the moratorium has expired, the Board finds that the adoption of regulations regarding  
25 medical marijuana facilities is an emergency making it necessary to act immediately; and

26 IT APPEARING to the Board that the regulations proposed by Staff found at Attachment "A"  
27 comply with the time, place and manner regulations that allow counties to regulate medical marijuana facilities.

28 AND IT FURTHER APPEARING that medical grow sites and recreational marijuana  
29 facilities will be addressed at a later date.

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SECTION 5. SEVERANCE CLAUSE

If any section, subsection, provision, clause or paragraph of this ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the reaming portions of this ordinance; and it is herby expressly declared that every other section, subsection, provision, clause or paragraph of this ordinance enacted, irrespective of the enactment or validity of the portion thereof declared to be unconstitutional or invalid, is valid.

SECTION 6. REPEAL OF INCONSISTENT ORDINANCES

Coos County Ordinance 85-03-004L is repealed to the extent that they are in conflict with this ordinance. Coos County Ordinance 85-03-004L shall remain in full force and effect in all other respects.

SECTION 7. EMERGENCY CLAUSE

The Board of Commissioners for the County of coos deems tbs Ordinance necessary for the immediate preservation and protection of the public peace, safety, health and general welfare for Coos County and declares an emergency exists, and this Ordinance shall be in full force and effect upon its passage.

Dated this 24th day of June, 2015.

BOARD OF COMMISSIONERS

ATTEST

Recording Secretary

Approved as to form:

Office of Legal Counsel

Chair

Vice Chair

Commissioner

1st Reading: June 16, 2015
2nd Reading: June 24, 2015
Emergency Adoption: June 24th, 2015

## AM-15-05 Part A Medical Marijuana Facilities

**Medical Marijuana Dispensary Facility (MMDF)** – Is a facility, registered by the Oregon Health Authority, that is allowed to receive marijuana or immature marijuana plants and transfer that marijuana to a patient or a patient’s caregiver if the patient or caregiver has an Oregon Medical Marijuana Program Card.

### Proposed Definitions not changing

**Medical marijuana** means all parts of the plant Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination. As used in this chapter, “medical marijuana” refers to marijuana dried, produced, processed, kept, stored, delivered, transferred, dispensed or otherwise provided for the exclusive benefit of and use by a person to mitigate the symptoms or effects of a person’s debilitating medical condition as defined in ORS 475.302.

**Medical Marijuana Operator** means a person, who owns, operates or otherwise has legal responsibility for a facility and who meets the qualifications established by the Oregon Health Authority and has been approved by the Oregon Health Authority to operate a medical marijuana facility.

**Medical Marijuana Premises** means a location registered by the State of Oregon as a Medical Marijuana Facility and includes all areas at the location that are used in the business operated at the location, including offices, kitchens, restrooms, storerooms, and including all public and private areas where individuals are permitted to be present.

**Noncommercial means** not dependent or conditioned upon the provision or receipt of financial consideration.

**Principal** as it relates to medical marijuana means members, partners or corporate officers, and all stockholders holding more than 10 percent of the voting stock for any applicant who is not a natural person.

**Immature Medical Plant** the Oregon Health Authority shall define by rule when a marijuana plant is mature and when it is immature. The rule shall provide that a plant that has no flowers and that is less than 12 inches in height and less than 12 inches in diameter is a seedling or a start and is not a mature plant.

### Definitions that need to be altered in:

**AGRICULTURE:** Farm use, as defined by ORS 215.203(2)(a), except that in non-EFU areas, agriculture does not have to be for the primary purpose of obtaining a profit in money. Generally, agriculture includes the raising of livestock and harvesting crops using acceptable farming

practices and structures and facilities relating to these uses. *The growing and cultivation marijuana shall not be recognized as an acceptable farming practice at this time. Therefore, income from marijuana producing shall not be used to meet income requirements to qualify for any type of farm structures or dwelling unless otherwise allowed by the zoning district.*

**Definitions that need to be altered in § 2.1.200**

COTTAGE INDUSTRIES: Cottage industries are home occupations that are operated by a resident of the subject property, occupying a detached accessory building. Cottage industries should not employ more than five (5) full or part-time persons. Cottage industries must not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located. Cottage industries shall not involve the retail sale of a product on the premises. On premise sign advertising cottage industries shall not exceed six (6) square feet of copy area. *Any business that is associated with the sale or production of marijuana will not be allowed as a cottage industry.*

HOME OCCUPATION: Home occupations constitute businesses that are operated entirely within a dwelling by a member of the family residing in the dwelling. Home occupations shall not employ more than five (5) full or part-time persons. Examples of home occupations include but are not limited to: beauty shops, engravers, professional offices, etc. *Any business that is associated with the sale or production of marijuana will not be allowed as a home occupation.*

Home occupations must not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located. Home occupations shall not involve the retail sale of a product on the premises. Home occupations shall not occupy more than 30% of the useable floor area of the dwelling, nor shall home occupations use any detached accessory building. On premise signs advertising home occupations shall not exceed six (6) square feet of copy area. [OR 04 12 013PL 2/09/05]

**General Statement regarding medical marijuana**

Notwithstanding any other provisions of the Coos County Zoning and Land Development Ordinance, and in compliance with state law requirements for medical marijuana, a medical marijuana patient may grow marijuana for his or her own personal uses, in amounts authorized under law for that person only, in any zone.

**Ordinance Provisions:**

Medical marijuana dispensaries will be authorized as administrative conditional use in the following zones under the conditions and standards listed under permit conditions for any medical marijuana facility: Rural Center (RC); Controlled Development (CD-5 and CD-10).

Medical marijuana dispensaries will be allowed as permitted subject to compliance determination to ensure compliance with the development standards in the Commercial (C-1)

**Conditional Use Permit Conditions – Any Medical Marijuana Dispensary Facility (MMDF)**  
**must comply with the following requirements:**

1. Registration and Compliance with Oregon Health Authority Rules. The facility's registration as a medical marijuana facility under ORS 475.314 must be in good standing with the Oregon Health Authority, and the facility must comply with all applicable laws and regulations administered by the Oregon Health Authority for facilities.
2. Compliance with Other Laws. The facility must comply with all applicable laws and regulations, including, but not limited to, the building and fire codes.
3. Hours of Operation. The maximum hours of operation can be 9am to 8pm daily.
4. Public View into Facility. All doorways, windows and other openings shall be located, covered or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area.
5. Odors. The facility must use an air filtration and ventilation system which, to the greatest extent feasible, confines all objectionable odors associated with the facility to the premises. For the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.
6. Lighting. Facilities must maintain adequate outdoor lighting over each exterior exit.
7. The facilities must provide for secure disposal of Marijuana remnants or by-products; such remnants or by-products shall not be placed within the facility's exterior refuse containers. Burning on site is not a suitable method of disposal.
8. Registry Identification Card Required. All persons receiving medical marijuana products must have a valid registry identification card and be in compliance with rules adopted by the Oregon Health Authority.
9. On-Site Manufacturing. Manufacturing or production of any extracts, oils, resins or similar derivatives of marijuana is prohibited at a facility. Use of open flames or gases in the preparation of any products is prohibited at a facility.
10. Outdoor Storage. Outdoor storage of merchandise, raw materials or other material associated with the facility is prohibited.
11. Home Occupation. A facility may not be operated as a home occupation or cottage industry.
12. Drive-Through, Walk-Up. A facility may not have a walk-up window or a drive-through.
13. A medical marijuana facility may not be located at a temporary or mobile site. No person shall locate, operate, own, allow to be operated or aid, abet or assist in the operation of any mobile medical marijuana facility which transports or delivers, or arranges transportation or delivery, of medical marijuana to a person.
14. A facility shall not be located:
  - a. Within 1000 feet from any public or private school, preschool, head start program, community learning center, or licensed daycare facility site;
  - b. Within 1000 feet of another Medical Marijuana Facility or Recreational Marijuana Facility site, unless co-located. No medical marijuana facility shall be co-located within the same building or on the same property with any marijuana social club or smoking club or medical marijuana grow site.
  - c. However, if a use described in subsection (a) of this section is granted after a medical marijuana facility has received approval, it will not result in a violation.



- d. Within 250 feet of a residential or mixed residential property boundary.

Distances shall be measured between the closest points of the respective lot lines using a radius set by the feet described above.

15. Pursuant to ORS 475.304(6) All employees and volunteers of a medical marijuana facility must submit to a criminal background check by Coos County or its designees pursuant to ORS 181.533 and OAR 257-010-0025(1)(a). It shall be a violation of these standards to employ or allow a volunteer in a medical marijuana facility if the employee or volunteer has been convicted of the manufacture or delivery of a controlled substance in Schedule I or Schedule II within five years of the date of the background check, or more than one such conviction in the employee or volunteers lifetime, or if the employee or volunteer has been convicted of any felony involving children or crime prohibited within 1000 feet of a school.
16. Medical dispensaries shall not co-located on the same tract of land with grow sites.