



# 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

Fax: (503) 378-5518

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



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

Date: April 24, 2015  
Jurisdiction: City of Estacada  
Local file no.: 2015-003  
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 04/21/2015. 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 less than 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)

DLCD FORM 2



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

<b>FOR DLCD USE</b>
DEPT OF
File No.:
APR 21 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 Estacada

Local file no.: **Ordinance 2015-003**

Date of adoption: 4/13/15

Date sent: 4/16/2015

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): 1/22/15

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:

Local contact (name and title): William Elliot

Phone: 503.630.8270

E-mail: [belliott@cityofestacada.org](mailto:belliott@cityofestacada.org)

Street address: PO Box 958

City: Estacada

Zip: 97023-

### 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:

none

#### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from n/a	to n/a	n/a acres.	A goal exception was required for this change.
Change from n/a	to n/a	n/a acres.	A goal exception was required for this change.
Change from n/a	to n/a	n/a acres.	A goal exception was required for this change.
Change from n/a	to n/a	n/a 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:

**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 SERIES OF 2015, NO. 003**

**An Ordinance adding Chapter 16.65 – Marijuana Dispensing Facilities to the Estacada Municipal Code; amending the definition of “Clinic” in Section 16.08.010 of the Estacada Municipal Code; and amending Section 16.28.030 of the Estacada Municipal Code listing Marijuana Dispensing Facilities as a conditional use in the General Commercial (C-1) zone and declaring an emergency.**

**The City of Estacada ordains as follows:**

**Section 1: Chapter 16.65 – Marijuana Dispensing Facilities - is hereby added to read as follows:**

**Chapter 16.65 MARIJUANA DISPENSING FACILITIES**

16.65.010 Intent, purpose and findings.

The city council intends by the adoption of this chapter to ameliorate adverse impacts upon schools and children caused by marijuana dispensing businesses, as defined herein, by means of reasonable regulation of the time, place and manner of such businesses, without suppression of the right to operate such businesses under the laws of the State of Oregon.

16.65.020 Definitions.

As used in this code:

" Marijuana dispensing facility" is a term intended to cover a broad range of activities characterized by the packaging, distribution, advertising and sale of marijuana for any reason allowed by the laws of and registered by the state of Oregon. Such facilities may include medical marijuana dispensaries, recreational marijuana sales facilities, or other operations involving the production and sale of marijuana.

16.65.030 Special requirements.

A marijuana dispensing facility shall be further restricted as follows:

A. A marijuana dispensing facility will only be allowed as a conditional use in the C-1 General Commercial zone and no other zoning districts.

B. In addition to compliance with all State requirements for location, a marijuana dispensing facility shall also be located at least 1,000 feet from all of the following uses: another medical marijuana facility, a public or private pre-school, elementary, junior high, high school, college, university, public park, sports field, church, or other place where children congregate regularly.

C. For purposes of subsection B, distances are measured by a straight line between any point on the boundary line of the real property containing the marijuana dispensing facility to any point on the boundary line of the real property containing a use identified in subsection B. If any portion of the premises of a proposed or registered facility is within 1,000 feet of properties identified in subsection B it will not be allowed.

D. Hours of operation shall be limited to between 10 a.m. and 8 p.m.

E. Entrances and off-street parking areas shall be well lit and not visually obscured from public view.

F. All uses listed in subsection B, must locate at least 1000 feet from any marijuana dispensing facility authorized pursuant to this development code and state law. Distances are



measured by a straight line between any point on the boundary line of the real property containing the medical marijuana dispensary to any point on the boundary line of the real property proposed to contain a use identified in subsection B.

16.65.040 Marijuana dispensing facility business license.

A. No person shall establish, conduct, maintain, manage, or operate a marijuana dispensing facility in the City of Estacada without a valid business license issued by the City of Estacada pursuant to chapter 5.04 of this code.

B. The applicant must provide the city with proof of registration of the facility by the State of Oregon at the location indicated on the business license application, including the facility's registration number.

C. The issuance of a business license does not constitute a permit to engage in any activity prohibited by law or as a waiver of any other regulatory or license requirement imposed by the City or by any federal, state, or local law.

**Section 2. Chapter 16.08, Definitions, Section 16.08.010 – definition of “Clinic” shall be amended as follows:**

“Clinic” means a building utilized by persons licensed in the state of Oregon to treat or analyze medical, dental or surgical needs of humans or animals on an out-patient basis, but excluding marijuana dispensing facilities as defined in section 16.65.020 of this code.

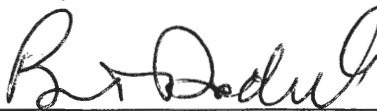
**Section 3. Chapter 16.28, General Commercial (C-1), Section 16.28.030 – Conditional uses permitted of the Estacada Municipal Code shall be amended to add “marijuana dispensing facilities” as a Conditional Use as follows:**

M. Marijuana dispensing facilities (authorized by state law) and defined and regulated by Chapter 16.65 of this code.

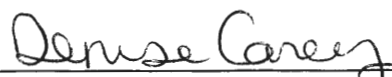
**Section 4. In order to protect the peace, health, and welfare of the City of Estacada, its residents and its visitors, the city council declares the existence of an emergency and, therefore, this ordinance is effective immediately upon its enactment by the council.**

Considered at the Council meeting of April 13, 2015, passed by a vote of 5 ayes and 0 nays. This ordinance is adopted at a single meeting with approval of a quorum of the council and is effective immediately as per the emergency clause.

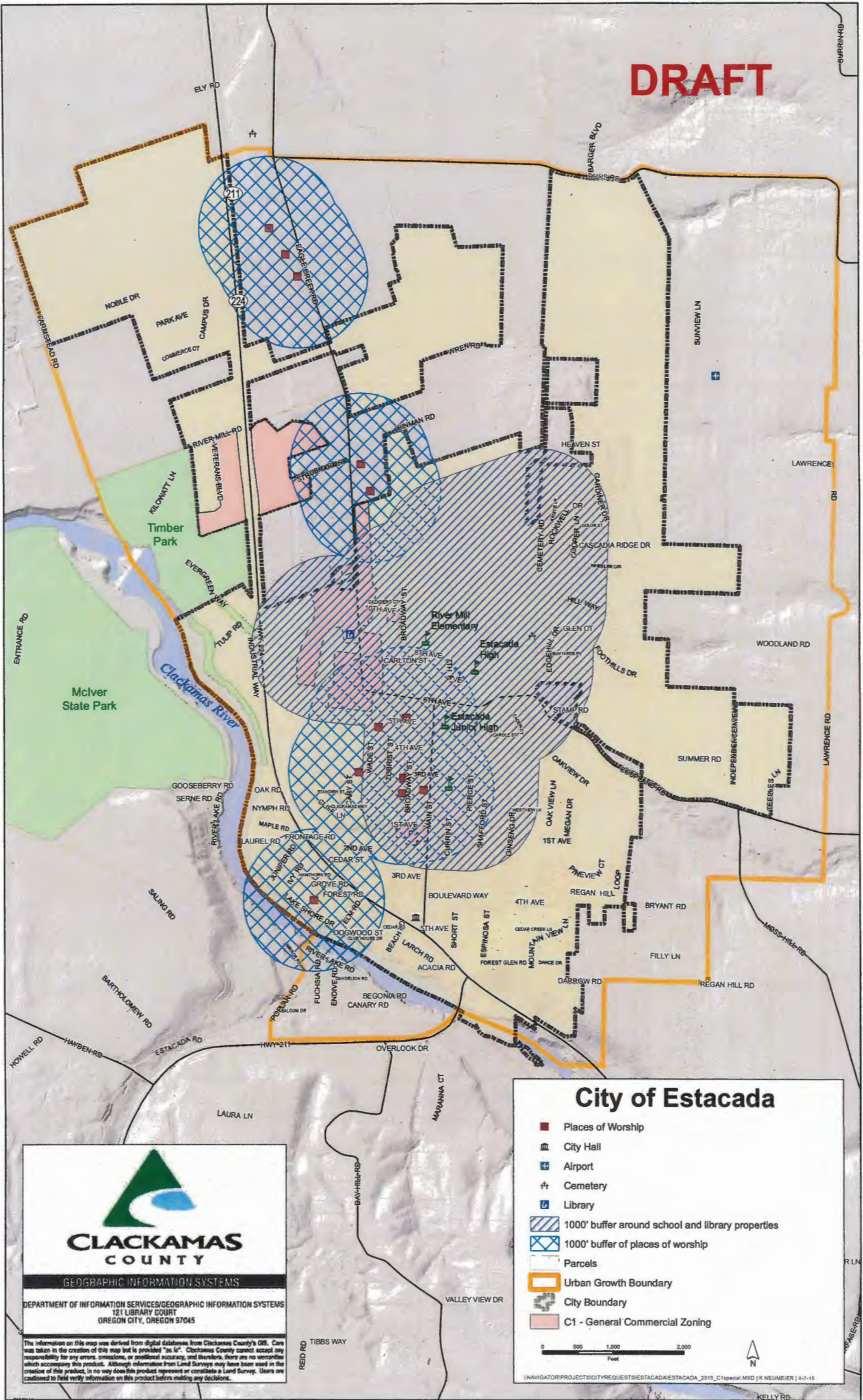

DULY ADOPTED by the City Council of the City of Estacada this 13<sup>th</sup> day of April, 2015.

  
\_\_\_\_\_  
Brent Dodrill, Mayor

ATTEST:

  
\_\_\_\_\_  
Denise Carey, City Recorder

DRAFT

**CLACKAMAS COUNTY**  
GEOGRAPHIC INFORMATION SYSTEMS

DEPARTMENT OF INFORMATION SERVICES/GEOGRAPHIC INFORMATION SYSTEMS  
121 LIBRARY COURT  
OREGON CITY, OREGON 97045

The information on this map was derived from digital databases from Clackamas County's GIS. Care was taken in the creation of this map but is provided "as is". Clackamas County cannot accept any responsibility for any errors, omissions, or positional accuracy, and therefore, there are no warranties which accompany this product. Although information from Land Surveys may have been used in the creation of this product, in no way does this product represent or constitute a Land Survey. Users are cautioned to field verify information on this product before making any decisions.

### City of Estacada

- Places of Worship
- City Hall
- Airport
- Cemetery
- Library
- 1000' buffer around school and library properties
- 1000' buffer of places of worship
- Parcels
- Urban Growth Boundary
- City Boundary
- C1 - General Commercial Zoning

0 500 1,000 2,000 Feet

NAVIGATOR\PROJECTS\CITYREQUESTS\ESTACADA\ESTACADA\_2011\_C1.aprx[MXD] [K NEUMEIER] 8-7-15

CITY OF ESTACADA  
P.O. BOX 958  
ESTACADA, OR 97023-0958

PORTLAND OR 970

36 APR 2015 PM 21



Attn: Plan Amendment Specialist  
Dept. of Land Conservation & Dev.  
635 Capitol Street NE, Ste 150  
Salem, OR 97301

97301254099

