



# 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: April 15, 2015  
Jurisdiction: City of Heppner  
Local file no.: Planning 3/2/2015  
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 04/10/2015. 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 41 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

<b>FOR DLCD USE</b>
<b>File No.:</b> 001-15 {22638}
<b>Received:</b> 4/10/2015

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 heppner

Local file no.: 576-15

Date of adoption: 03/09/15

Date sent: 4/9/2015

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): 01/20/15

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): kim cutsforth

Phone: 541-676-9618

E-mail: heppner@centurytel.net

Street address: 111 N Main St, PO Box 756

City: Heppner, Or

Zip: 97836-

### 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): Industrial Zone and Commercial Zone of the City

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:

article 11 conditional use section 11-5-2 placing conditions on Permits E: Medical Marijuana Dispensaries or facilities

F: Medical Marijuana Grow Facility or Laboratory

**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:

*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.

**ORDINANCE NO. 576-15**

**AN ORDINANCE AMENDING ZONING CODE 11-5-2 TO ALLOW MEDICAL MARIJUANA DISPENSARIES AND GROW FACILITIES AS A CONDITIONAL USE IN A COMMERCIAL AND INDUSTRIAL ZONE ALSO SETTING CRITERIA FOR TIME, PLACE AND MANNER RESTRICTIONS FOR THESE FACILITIES.**

**WHEREAS**, The City of Heppner wishes to comply to the State of Oregon Senate Bill 1531, which allows Cities to regulate but not ban Medical Marijuana Dispensaries and,

**WHEREAS**, current zoning in the City of Heppner does not currently allow for these types of facilities.

**THEREFORE**, the City of Heppner will make the following amendments to City zoning regulations.

The following new definitions are proposed to Article 1 Introductory Provisions Section 1.030 Definitions.

Drug Store: A store where the primary business is the filling of prescriptions and the sale of drugs (see pharmacy), medical devices and supplies, and non-prescription medicines, but where non-medical products may be sold as well. Non-medical products may include cards, candy, and cosmetics.

Liquor Store: A store that sells alcoholic beverages for consumption elsewhere and is licensed by the Oregon Liquor Control Commission. This may include dining or other establishments that also allow sales for off premises consumption.

Medical Marijuana Dispensary or Facility: A facility that dispenses medical marijuana, meeting the requirements set by the Oregon Health Authority and being registered to do business with the Office of the Secretary of State. The facility must also meet requirements of the use zone or conditional use permit including, but not limited to: 1) being 1,000 feet from any public or private schools, day care facilities, youth sports facilities, public pools, libraries, parks or play grounds; 2) operating hours defined by the use zone or conditional use permit; 3) allow only off site use; and 4) not be sited on the same lot or parcel as a medical marijuana grow facility.

Medical Marijuana Grow Facility or Laboratory: A facility that grows medical marijuana as allowed under Oregon Revised Statute and as regulated by the Oregon Health Authority. A grow facility or laboratory cannot be located on the same lot or parcel as a medical marijuana dispensary or facility.

Pharmacy: A place where drugs and medicines are prepared and dispensed by a licensed pharmacist. A pharmacy may also be a drug store.

The following criteria for Article 11 Conditional Uses Section 11-5-2 placing conditions on Permits:

E. Medical Marijuana Dispensaries or Facilities:

1. In a commercial or industrial zone facilities must be 1,000 feet from any public or private schools, day care facilities, youth sports facilities, public pools, libraries, parks or play grounds,
2. Operating hours determined as part of the Conditional Use Permit.
3. Allow only off site use.
4. Use cannot be sited on the same lot or parcel as a medical marijuana grow facility.
5. Must possess a permit granted by the Oregon Health Authority.

F. Medical Marijuana Grow Facility or Laboratory:

1. In a commercial or industrial zone facilities must be secure.
2. Facilities must not be visible from the street or alley abutting the property.
3. No use of the product is allowed on site.
4. Use cannot be sited on the same lot or parcel as a medical marijuana dispensary.
5. Must possess a permit granted by the Oregon Health Authority.
6. Hazardous materials storage and containment must be reviewed and approved by the local Fire Marshall and the Building Official.

Passed by the Common Council and approved by the Mayor March 9, 2015.

APPROVED BY:



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R.H. Matthews, Mayor

ATTESTED TO:



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A. Kim Cutsforth, City Recorder