



# Oregon

John A. Kitzhaber, M.D., Governor

**Department of Land Conservation and Development**

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Salem, Oregon 97301-2540

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



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

Date: May 26, 2015

Jurisdiction: City of Ione

Local file no.: None

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 05/18/2015. 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.

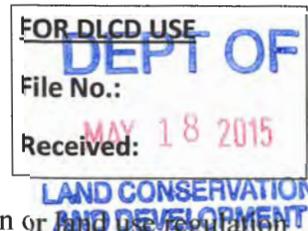
### DLCD Contact

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



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 Ione

Local file no.:

Date of adoption: April 14, 2015

Date sent: 5/1/2015

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): 2/5/15

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 Carter

Phone: 541-422-7414

E-mail: cityofioneor@gmail.com

Street address: 385 W 2<sup>nd</sup> Street

City: Ione

Zip: 97843-

### 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:

Zoning ordinance 158, Section 1, subsection 1.50 Definitions; Section 3, subsection 3.10, 3.20, 3.30, 3.40 and 3.73.

#### **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:

Zoning Ordinance 158, Section 1 and Section 3.

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

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:

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.

See attached changes in zoning ordinance as attached, also find recommendations adopted by the City Council members as relating to Medical Marijuana program.

## Zoning Ordinance #158

### Section 1 Introductory Provisions

#### 1.50 Definitions

7. 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.
  
13. Farming, Farm Use The use of land for raising and harvesting of **farm produce** or for the feeding, breeding and management of livestock or for dairying or for any other agricultural or horticultural use, **that is legal to produce and sell within State and Federal Laws** or any combination thereof, including disposal of such products by marketing or otherwise. Farming also includes use and construction of buildings customarily used in the above activities.
  
18. Home Occupation. Accessory use of a dwelling, employing only the inhabitants of the dwelling, wherein the residential character of the dwelling is maintained. The occupation must be lawful; **complying with the laws of the State of Oregon and Federal laws and regulations**. It must also be conducted in such a manner that storage or display of merchandise, equipment or machinery is not visible from off the property on which the occupation is located, and the occupation may not infringe upon the right of the neighboring residents to enjoy their peaceful occupation of their dwellings. A dwelling, for the purpose of this definition also includes mobile home, manufactured home or modular home.
  
19. 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 for off premises consumption.
  
30. 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.
  
31. Medical Marijuana Grow Facility: A facility that grows medical marijuana as allowed under Oregon Revised Statute and as regulated by the Oregon Health Authority. A grow facility cannot be located on the same lot or parcel as a medical marijuana dispensary or facility.

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

### Section 3 Use Zones

- 3.10 Limited Residential Zone, R-1. In and R-1 Zone, the following uses and their accessory uses are permitted outright.
1. Single Family dwelling
  2. Two Family dwelling
  3. Mobile Home or Manufactured Home
  4. **Cultivation of farm produce**, truck gardening or plant nursery. **All plants must be legal to grow within State and Federal laws.**
  5. Licensed "Residential Homes"
  6. **Public or Private School**
  7. **School Based Medical Clinic**
- 3.20 General Residential Zone, R-2
1. Single Family dwelling
  2. Two Family dwelling
  3. Mobile Home or Manufactured Home
  4. **Cultivation of farm produce**, truck gardening or plant nursery **that is allowable under State and Federal law.**
  5. Licensed "Residential Homes"
- 3.30 Farm Residential Zone, R-3. In an R-3 zone, the following uses and their accessory uses are permitted outright.
1. Single Family dwelling
  2. Manufactured Home
  3. **Cultivation of farm produce that is allowable under State and Federal Law**, not including intensive livestock or poultry operations such as commercial feed lot or poultry plant.
  4. Licensed "Residential Homes"
- 3.40 Central Commercial Zone, C. In a C zone, the following uses and their accessory uses are permitted outright.
1. Retail or wholesale trade establishment
  2. Repair or maintenance establishment
  3. Eating or drinking establishment
  4. Office
  5. Financial institution
  6. Plant Nursery
  7. Amusement establishment
  8. Licensed "Residential Home"
  9. **Drug Store, pharmacy or liquor store.**

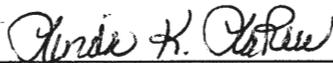
### 3.73 PERMITTED DEVELOPMENT

1. Land for raising and harvesting farm produce or for pastures, all produce must be legal to produce and sell within State and Federal Laws.
2. Private landscaping and gardens, cultivation of farm produce. All plants must be legal to grow within State and Federal laws.
3. Public or private parks, golf courses, and other non-structural recreation development.
4. Fencing and free-standing walls.
5. Roads, streets, driveways, bridges and parking lots.
6. Wildlife Management
7. Stream bank erosion control.
8. Channel Improvement.
9. New buildings and additions to existing building ONLY IF LOCATED within the triangular “obstructed flow” on the upstream and downstream sides of existing buildings. Such requests shall be accompanied by a site plan drawn to scale showing the size and location of the existing building(s) cresting the “obstructed flow zone” and the proposed addition or new construction. This information will be sent to the Region 10 office of FEMA for review. If FEMA approve, the City may then issue a Development Permit.

Recommendation of the lone City Council: Based on many months of research and deliberations as well as input from the community at the two public hearings held during the months of March and April of 2015 are the following.

1. Adopt and add the definitions of drug stores, pharmacies, liquor stores, medical marijuana dispensaries and medical marijuana grow facilities.
2. Add these new commercial businesses names to the commercial uses and remove any reference to any references pre 4/15/2015.
3. Do not adopt conditional use criteria as part of Conditional Use for medical marijuana dispensaries or grow facilities under Commercial Zone.
4. Medical Marijuana is available to lone residents who have met the necessary requirements of the Medical Marijuana program managed by the Oregon Health Authority, no additional access needs to be made available by the City of lone.
5. The risk to children, impacts to public gathering locations, and the general nuisance caused by medical marijuana dispensaries are of concern to the residents of the City of lone and their concerns are greater than any identical need for or benefit from a medical marijuana facility.

Introduced and adopted the 14<sup>th</sup> day of April, 2015

By:   
Linda LaRue, Mayor

By:   
Kristy Jones, Council Member

By:   
Tobey Garrett, Council Member

By:   
Deacon Heideman, Council Member

By:   
Bev Crum, Council Member

By:   
Mark Anderson, Council Member

Attested by:   
Kim Carter, City Recorder

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LONE



DEPT OF

MAY 18 2015

LAND CONSERVATION  
AND DEVELOPMENT

Attn: Plan Amendment Specialists  
Dept of Land Conservation & Development  
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Salem, OR 97301-2540