



# Oregon

Kate Brown, Governor

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

Date: October 22, 2015

Jurisdiction: City of Medford

Local file no.: DCA-15-104

DLCD file no.: 014-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 10/22/2015. 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 42 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.: 014-15 {23933}  
Received: 10/22/2015

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 Medford

Local file no.: **DCA-15-104**

Date of adoption: 10/21/2015

Date sent: 10/22/2015

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): 07/30/2015

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:

slight changes to the text due to public hearing process

Local contact (name and title): John Adam, Principal Planner

Phone: 541-774-2399

E-mail: john.adam@ci.medford.or.us

Street address: 200 S. Ivy Street

City: Medford, OR

Zip: 97501-

## 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:

n/a

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

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

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

Municipal code amendment to regulate marijuana-related businesses. All State-regulated licenseholders will be allowed in City except for retailers. A few time/place/manner restrictions applied.

**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: 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.

ORDINANCE NO. 2015-104

AN ORDINANCE amending Sections 10.012 and 10.337 of the Medford Code and replacing Section 10.839 pertaining to marijuana products and related businesses effective December 1, 2015.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 10.012 of the Medford Code is amended to read as follows:

10.012 Definitions, Specific.

When used in this chapter, the following terms shall have the meanings as herein ascribed:

\* \* \*

**Marijuana.** The plant *Cannabis*, family *Cannabaceae*, or any part or seed of the plant. The term does not include industrial hemp.

**Marijuana item.** The term includes marijuana, cannabinoid products, cannabinoid concentrates, and cannabinoid extracts.

**Marijuana-related businesses.** The various types of marijuana-related businesses are organized into the following categories:

**Production.** Planting, cultivating, growing, or harvesting marijuana; or drying marijuana leaves or flowers.

**Processing.** The processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates, or cannabinoid extracts.

**Wholesale.** A wholesale operation that purchases marijuana items in this state for resale to a person other than consumer.

**Laboratory.** A state-licensed laboratory that tests marijuana items as required by state law.

**Dispensary.** A medical marijuana dispensary registered under ORS 475.314.

**Retail.** A business that sells marijuana items to a consumer in this state.

\* \* \*

SECTION 2. Section 10.337 of the Medford Code is amended to read as follows:

10.337 Uses Permitted in Commercial and Industrial Zoning Districts.

A. The uses allowed within each commercial and industrial zoning district are based on the Standard Industrial Classification (SIC) Manual, 1987 Edition. This chapter classifies uses by Industry Group Number (3 digits) of the SIC Manual. When necessary to resolve any ambiguity in defining a use classification as per this chapter the Industry Number (4 digit) classification contained in the SIC Manual shall be used as the acceptable reference source.

B. There are four classifications in the following tables that do not appear in the SIC Manual: "Business Offices," (001); "Parks, Recreation, and Leisure Facilities" (002); "Marijuana-related businesses" (003); and ~~entitled~~ "Dwelling Units" (881). "Dwelling Units" is in the Services group, but this is not intended to suggest any relationship to the SIC classification scheme. In this context the use classification "Dwelling Units" includes housing types that are allowed in the MFR-30 zoning district.

C. All uses have been identified by zoning district as either permitted, permitted subject to special use standards, conditional, or not permitted.

P = Permitted Uses.

Ps = Special Use (see Special Use Regulations).

C = Conditional uses —permitted subject to approval of a Conditional Use Permit.

- Cs = Conditional uses permitted subject to approval of a Conditional Use Permit and the applicable Special Use Regulations.  
 X = Uses specifically prohibited.  
 \* = Permitted when within an EA overlay district.  
 e\*nec = not elsewhere classified

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SIC      USE                                      ZONING DISTRICT

O. USES NOT CLASSIFIED. This major group includes uses not covered in the Standard Industrial Classification (SIC) Manual, 1987 Edition.

			C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
***										
<b>003</b>	<b>Marijuana-related business</b>									
	<b>Type (as termed in State law)</b>	<b>SIC Equivalent</b>								
<b>0031</b>	<b>Production</b>	<b>013</b>	<b>x</b>	<b>x</b>	<b>x</b>	<b>x</b>	<b>x</b>	<b>Ps</b>	<b>Ps</b>	<b>Ps</b>
<b>0032</b>	<b>Processing</b>	<b>205-207</b>	<b>x</b>	<b>x</b>	<b>x</b>	<b>x</b>	<b>Ps</b>	<b>Ps</b>	<b>Ps</b>	<b>Ps</b>
<b>0033</b>	<b>Wholesale</b>	<b>512, 516, 519</b>	<b>x</b>	<b>x</b>	<b>x</b>	<b>x</b>	<b>Ps</b>	<b>Ps</b>	<b>Ps</b>	<b>Ps</b>
<b>0034</b>	<b>Laboratory</b>	<b>873</b>	<b>Ps</b>	<b>X</b>	<b>Ps</b>	<b>Ps</b>	<b>Ps</b>	<b>Ps</b>	<b>x</b>	<b>x</b>
<b>0035</b>	<b>Dispensary</b>	<b>549, 591</b>	<b>x</b>	<b>x</b>	<b>Ps</b>	<b>Ps</b>	<b>Ps</b>	<b>x</b>	<b>x</b>	<b>x</b>
<b>0036</b>	<b>Retail</b>	<b>549, 591</b>	<b>x</b>	<b>x</b>	<b>x</b>	<b>x</b>	<b>x</b>	<b>x</b>	<b>x</b>	<b>x</b>

See section 10.839 for special use regulations on marijuana-related businesses.

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SECTION 3. Section 10.839 is replaced in the Medford Code to read as follows:

10.839 Marijuana-related businesses.

A. General Provisions. The following provisions apply to any marijuana-related business.

- (1) All marijuana-related businesses will conduct operations inside secure, enclosed structures. No production, processing, storage, or sales may be conducted out of doors.
- (2) No marijuana-related business shall cause or allow an offensive odor of marijuana **items** to emanate from a structure or property.



(3) No marijuana-related business shall permit trespass or glare from security or other lighting beyond its property line. In addition, lighting must be "full cutoff" according to Illuminating Engineering Society of North America (IES) definitions and standards.

(4) The hazardous fence and wall provisions in Section 9.560 apply.

(5) Marijuana items may not be displayed in a manner that is externally visible to the public.

(6) All marijuana-related businesses shall be licensed by the state, and comply with all applicable state laws and regulations.

B. Processing

(1) Processors using high-heat extraction methods are allowed only in the I-G and I-H zoning districts.

C. Conflict of Laws

(1) When this section imposes a greater restriction upon a marijuana-related business than that imposed by a state law or regulation, the greater restriction shall control.

D. Ban on Sale of Limited Marijuana Retail Product

(1) Pursuant to section 3 of Senate Bill 460 (2015), the City of Medford hereby prohibits the sale of limited marijuana retail product in any area subject to the jurisdiction of the City of Medford as described in section 2 of Senate Bill 460 (2015).

(2) The ban imposed by this section will be effective until December 31, 2016, or until the Legislature ends sales of limited marijuana retail product by medical marijuana dispensaries, whichever comes later.

(3) If a medical marijuana dispensary violates the ban on the sale of limited retail marijuana product, the City of Medford may enforce the ban as follows: i) impose a violation penalty upon the medical marijuana dispensary pursuant to the Medford Code; ii) initiate a business license revocation proceeding against the medical marijuana dispensary pursuant to Chapter 8 of the Medford Code; iii) seek declaratory, provisional and permanent injunctive relief in the Jackson County Circuit Court as provided by the Medford Code and Oregon law; and iv) seek any other relief available as provided by either the Medford Code or Oregon law.

PASSED by the Council and signed by me in authentication of its passage this 21<sup>st</sup> day of October, 2015.

ATTEST: Kaunm Spoons  
City Recorder

Ray White  
Mayor  
Ray White  
Mayor

APPROVED October 21, 2015.

NOTE: Matter in **bold** is new. Matter ~~struck through~~ is existing law to be omitted. Three asterisks (\*\*\*) indicate existing law, which remains unchanged by this ordinance but was omitted for the sake of brevity.