



Oregon

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

Date: May 26, 2015
Jurisdiction: City of Pendleton
Local file no.: AMD 15-01
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 28 days prior to the first evidentiary hearing. This amendment was submitted to DLCD for review with less than a 35 day notice because the jurisdiction determined that emergency circumstances required expedited review.

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



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

FOR DLCD USE
File No.: 001-15 {23623}
Received: 5/18/2015

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 Pendleton

Local file no.: **AMD15-01 / Ord 3860**

Date of adoption: May 5, 2015 Date sent: 5/18/2015

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): 2/19/2015

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:

Adopted ordinance included medical marijuana only; recreational marijuana language deleted.

Local contact (name and title): Evan MacKenzie

Phone: 541-966-0261

E-mail: evan.mackenzie@ci.pendleton.or.us

Street address: 500 SW Dorion Avenue

City: Pendleton

Zip: 97801-

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 to acres. A goal exception was required for this change.
- Change from N/A to acres. A goal exception was required for this change.
- Change from N/A to acres. A goal exception was required for this change.
- Change from N/A 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: N/A	Non-resource – Acres: N/A
Forest – Acres: N/A	Marginal Lands – Acres: N/A
Rural Residential – Acres: N/A	Natural Resource/Coastal/Open Space – Acres: N/A
Rural Commercial or Industrial – Acres: N/A	Other: N/A – Acres: N/A

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: N/A	Non-resource – Acres: N/A
Forest – Acres: N/A	Marginal Lands – Acres: N/A
Rural Residential – Acres: N/A	Natural Resource/Coastal/Open Space – Acres: N/A
Rural Commercial or Industrial – Acres: N/A	Other: N/A – Acres: N/A

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 4, Commercial Zones; also section 5.01, M-1 Light Industrial zone

For a change to a zoning map:

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

Change from N/A	to	Acres:
Change from N/A	to	Acres:
Change from N/A	to	Acres:
Change from N/A	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: N/A Acres added: N/A Acres removed: N/A

Location of affected property (T, R, Sec., TL and address): N/A

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. 3860

ORDINANCE NO. 3860

AN ORDINANCE AMENDING ORDINANCE NUMBER 3845, the UNIFIED DEVELOPMENT CODE, ADOPTING REGULATIONS FOR THE SALE OF MEDICAL MARIJUANA; AND DECLARING AN EMERGENCY

WHEREAS, On March 19, 2014, Senate Bill 1531 was signed into law, giving local jurisdictions the ability to adopt regulations governing the operations of medical marijuana facilities; and,

WHEREAS, the City of Pendleton has no local regulations governing the sale of medical marijuana, which leaves both City staff and the general public without clear guidance should such a business be proposed; and,

WHEREAS, an amendment to the Unified Development Code is necessary to address issues with or to comply with recent State Legislation, to address citizen requests, and to address changing circumstances in the community; and,

WHEREAS, during a regular meeting of the City Council, held on February 17, 2015, the Council directed staff to proceed with the development and adoption of local regulations governing Medical Marijuana facilities in accordance with Senate Bill 1531; and,

WHEREAS, City staff developed draft language modeled on that used by the City of LaGrande, and presented this language to the public on the City's web site and at a public Open House on March 19, 2015; and,

WHEREAS, Staff and the City Council understands and intends that if any provision, or portion thereof, contained in this amendment is held unconstitutional, invalid or unenforceable, the remainder shall be deemed severable, shall not be affected, and shall remain in full force and affect; and,

WHEREAS, after proper public notice, the Planning Commission conducted a Public Hearing to review these amendments on April 2, 2015, and recommended that the proposed amendments be adopted by the City Council; and,

WHEREAS, the City Council considered the matter at its April 21 and May 5, 2015 meetings and, after testimony and deliberation, agreed with the recommendation of the Planning Commission, and finds that the proposed amendments are in the best interests of the community declared an emergency justifying immediate action, and voted to approve the request.

Now, therefore, the following sections of the City of Pendleton Unified Development Code (Ordinance No. 3485) are hereby amended:

(New language in bold; deleted language in ~~strikethrough~~)

Sections 4.01 and 4.03 are hereby amended to add MMJ as a Conditional Use, with a reference to Section 4.05:

4.01 C-MU Central Mixed Use zone

4.01.3 Conditional Uses. Any permitted use with a gross floor area of more than 25,000 square feet and the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Article 11:

- A. Automobile and vehicle dealers, repairs, and services within the "Central Area Parking District;"
- B. Building Materials, retail
- C. City Park
- D. General building and special trade contractors
- E. Dwelling, caretaker or manager only
- F. Hospitals
- G. Zoos

- H. Animal clinics, kennels and hospitals utilizing outdoor areas for surgery, holding and/or boarding
- I. Transportation Services, warehousing and storage
- J. Breweries and wineries, with a production of more than 50,000 gallons per year, provided a restaurant or tasting room is open to the public on a regular basis
- K. Distilleries with a production volume of more than 12,000 gallons per year
- L. Within the Central Mixed Use Plan Designation, expansion of existing, lawfully established light industrial uses on the same or adjacent property
- M. Medical Marijuana facilities (see Section 4.05)

4.03 C-3 Service Commercial zone

- 4.03.3 Conditional Uses. Any permitted use with a gross floor area of more than 25,000 square feet and the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Article 11:
- A. Warehousing, motor freight;
 - B. Animal clinics, kennels and hospitals utilizing outdoor areas for surgery, holding and/or boarding;
 - C. Within the Central Mixed Use Plan Designation, expansion of existing, lawfully any established light industrial use on the same or adjacent property.
 - D. Medical Marijuana facilities (see Section 4.05)

Section 4.05 is added:

4.05 Marijuana Facilities

4.05.1 Purpose. This Section establishes regulations for the siting of medical marijuana (MMJ) commercial facilities as authorized by State Law. The purpose of this Section is to minimize adverse impacts on adjacent properties, schools and other places where children congregate, and other land uses potentially incompatible with such facilities.

4.05.2 General provisions.

- A. No MMJ facility may be located within the City unless the review authority finds that it satisfies all the requirements of this Code and State law.
- B. MMJ Facilities may be allowed, subject to a Conditional Use Permit pursuant to Article XI of this Code, in the Central Mixed Use (C-MU) Zone, and Service Commercial (C-3) Zone.
- C. MMJ facilities legally established pursuant to this Code shall not be found in conflict with the provision of this Code in the event that a conflicting land use locates in the vicinity of a MMJ facility subsequent to the MMJ facility obtaining land use approval from the City. When such conflict is found to exist, the MMJ facility shall be considered a legal nonconforming use and subject to provision set for in Article XI of this Code.

4.05.3 Definitions included by reference. For the purposes of this Section, the following definitions shall be used:

- Career School – any private proprietary professional, technical, business or other school instruction, organization or person that offers any instruction or training or preparing persons for any profession at a physical location attended primarily by minors.
- Minor – an individual under the age of 18.
- Elementary school - a learning institution containing one or any combination of grades kindergarten through 8th grade or age level equivalent.
- Secondary School – a learning institution containing one or any combination of grades 9 through 12 or age level equivalent and includes those institutions that provide junior high schools which include 9th grade.

4.05.4 Limitations for MMJ Facilities.

A. No MMJ facility shall be located:

1. At the same address as a registered grow site.
2. Within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors; or,
3. Public park or community recreation facility attended primarily by minors; or,
4. Within 1,000 feet of another MMJ facility.

5.01 M-1 Light Industrial

5.01.1 Description and Purpose. Except as modified within applicable subdistricts, to provide, enhance and protect areas to accommodate a wide range of manufacturing and allied uses that need generally flat topography and easy access to arterials and intermodal shipping facilities, and to reserve industrial sites near the airport for specific employment uses identified in the Pendleton Economic Opportunities Analysis (EOA).

Within the Central Mixed Use Plan Designation, the M-1 zone may also provide opportunities for adaptive re-use of historic structures and for expansion of existing, lawfully-established commercial and residential uses.

Within designated Mixed Use Opportunity Areas, M-1 land with an approved Master Development Plan is suitable for land uses allowed in other zones within that Opportunity Area, where consistent with applicable Comprehensive Plan performance standards.

5.01.2 Permitted Uses. The following uses and their accessory uses are permitted outright:

- A. Air Transportation Facilities
- B. Automobile and vehicle dealers, repairs, services and service stations
- C. Building Materials, retail
- D. General Business Services
- E. Communication Facilities
- F. General building and trade contractors
- G. General Light Industrial
- H. General Repair Services
- I. Governmental, public, or semi-public uses or structures
- J. Transportation Facilities and Services
- K. Wholesaling, durable and nondurable goods
- L. Solid Waste Transfer Stations, if the solid waste transfer station:
 1. Is not within 1,000 feet of an existing residential structure or residential zone, or
 2. The location of the transfer station has been approved by a vote of the people.
- M. Within the Central Mixed Use Plan Designation, expansion of existing, lawfully established residential and commercial uses on the same or adjacent property.

5.01.3 Conditional Uses. Except as modified within applicable subdistricts, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Article 11:

- A. Animal Clinic, Kennel, or Hospital
- B. Commercial Amusement and Recreation
- C. Eating and Drinking Establishments
- D. Fuel and Ice Dealers
- E. Hotels, motels, other lodging
- F. Junk yard, wrecking yard;
- G. Industrial and agricultural chemicals, paint
- H. Ordnance
- I. Petroleum pipeline facilities;
- J. Sanitary landfills, solid waste disposal or treatment facilities;
- K. Transportation Equipment (Air, land, water and space vehicles, equipment and accessories)
- L. Utilities
- M. Landscape and Horticultural Services

- N. Social Services
- O. Dwelling, Caretaker or Manager Only
- P. Cultivation of marijuana for medical marijuana dispensary use.**

This ordinance is effective immediately upon passage.


PASSED by the City Council and approved by the Mayor May 5, 2015.

Approved as to form

APPROVED



Nancy Kerns, City Attorney



Phillip W. Houk, Mayor

ATTEST



Andrea Denton, City Recorder

