



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 24, 2015
Jurisdiction: City of Sutherlin
Local file no.: ZBEH-TA-2015-01
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 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 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



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

FOR DLCD USE
File No.: 001-15 {23636}
Received: 4/21/2015

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 Sutherlin

Local file no.: **ZBEH-TA-2015-01**

Date of adoption: 04-13-15

Date sent: 4/21/2015

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): 03-18-15

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): Vicki Luther, Community Development Director

Phone: 541-459-2856

E-mail: v.luther@ci.sutherlin.or.us

Street address: 126 E. Central Avenue

City: Sutherlin

Zip: 97479-

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):

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:

Amending Title 16 of the Sutherlin Municipal Code restricting Marijuana Dispensaries to the Community Commercial Zone (C-3).

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):

List affected state or federal agencies, local governments and special districts: N/A

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.

Sutherlin Municipal Code restricting Marijuana Dispensaries to the Community Commercial Zone (C-3).

AN ORDINANCE OF THE CITY OF SUTHERLIN AMENDING TITLE 16 OF THE SUTHERLIN MUNICIPAL CODE RESTRICTING MARIJUANA DISPENSARIES TO THE COMMUNITY COMMERCIAL ZONE (C-3) AND DECLARING AN EMERGENCY.

WHEREAS, in accordance with Oregon law, Sutherlin adopted a moratorium on medical marijuana facilities (dispensaries) that will expire on May 1, 2015;

WHEREAS, beginning in January 2016, Oregon law will permit the sale of marijuana for recreational purposes in addition to medical purposes;

WHEREAS, Sutherlin may lawfully impose regulations on both medical and recreational marijuana sales.

NOW, THEREFORE, THE CITY OF SUTHERLIN ORDAINS AS FOLLOWS:

Section 1. Section 1.3 of Title 16 of the Sutherlin Municipal Code is amended to add the following definitions:

Medical Marijuana Dispensary – Any facility or operation designed, intended or used for purposes of delivering, dispensing, or transferring marijuana to Oregon Medical Marijuana Registry Identification Card holders pursuant to ORS 475.300-475.346.

Marijuana Retail Store – Any facility or operation designed, intended or used for purposes of selling marijuana items to a consumer.

Preschool – An educational program for children five years old or younger, where the children are enrolled on a regular basis and are typically in attendance for no more than four hours per day.

Section 2. Table 2.3.110 of Title 16 of the Sutherlin Municipal Code is amended to add the following use to the commercial category of uses:

Commercial	C-1	C-3
Marijuana dispensary	N	S

Section 3. A new subsection 2.3.140 is added to Title 16 of the Sutherlin Municipal Code as follows:

2.3.140 Medical Marijuana Dispensary or Marijuana Retail Store. A marijuana dispensary may not be located within 1,000 feet of another marijuana dispensary nor within 1,000 feet of real property of a public or private elementary, secondary or career school, child care center or family child care provider, or a preschool. In addition, a marijuana dispensary may not be located within 1,000 feet of a property zoned residential or otherwise lawfully used for residential purposes. The maximum hours of operation for the facility shall be 9:00 a.m. through 9:00 p.m. Monday-Saturday; 9:00 a.m. through 6:00 p.m. Sundays. No mobile facility or services shall be authorized. The facility shall comply with all applicable parking, setback, signage and other property development standards of the C-3 Zone. In addition, the State of Oregon must license a marijuana dispensary before it may operate in Sutherlin and the dispensary owner or operator must maintain the license throughout its operation.

Section 4. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on May 1, 2015.


PASSED BY THE COUNCIL ON THE 13 DAY OF APRIL, 2015.

APPROVED BY THE MAYOR ON THIS 13 DAY OF APRIL, 2015.



Mayor, Todd McKnight

ATTEST:



City Recorder, Debra L. Hamilton, CMC