



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

06/24/2014

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Gold Hill Plan Amendment
DLCD File Number 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, July 09, 2014

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Dick Converse, City of Gold Hill
Gordon Howard, DLCD Urban Planning Specialist
Josh LeBombard, DLCD Regional Representative

<paa> YA

DLCD FORM 2



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

FOR DLCD USE	001-14
File No.:	(20304)
	[17909]
Received:	6/18/2014

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 Gold Hill

Local file no.:

Date of adoption: June 2, 2014

Date sent: 6-18-14

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): 4/8/2014

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:

Not different

Local contact (name and title): Dick Converse, RVCOG Principal Planner

Phone: 541-423-1373

E-mail: dconverse@rvcog.orgStreet address: 155 N. First Street
97502

City: Central Point, OR

Zip:

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:

Chapter 17.36 (Table 17.36.110.A) and 17.26.180.I

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):

List affected state or federal agencies, local governments and special districts: Oregon Health Authority

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.



City of

GOLD HILL

P.O. Box 308 • Gold Hill, OR 97525
(541) 855-1525 Fax (541) 855-4501

ORDINANCE NO. 14-03

AN ORDINANCE OF THE CITY OF GOLD HILL, OREGON REVISING CHAPTER 17.36 OF THE GOLD HILL, OREGON MUNICIPAL CODE

WHEREAS, The City of Gold Hill has proposed an ordinance amending Chapter 17.36 of the Gold Hill Municipal Code to include Medical Marijuana Facilities in the Downtown (D) zoning district, subject to compliance with state licensing and operation requirements; and

WHEREAS, The City has determined that adoption of this proposed ordinance may affect the permissible uses of property in the Downtown district, and /or may change the value of your property.

WHEREAS, a duly noticed public hearing was held on May 19, 2014 at 6:00 p.m. at the Gold Hill City Council Chambers, at which time public testimony was received regarding adoption of changes to the ordinance amending the Gold Hill Municipal Code Chapter 17.36 Downtown D District; and

The above language is required by State Statute (ORS 227.186); however, the proposed amendments in their entirety are as follows:

Amend Table 17.36.100(A)(6) to add Medical marijuana facility. (Because the list is alphabetical, the remaining uses on the list will be renumbered only.)

Add Section 17.36.180(l):

Medical Marijuana Facility, defined as a facility validly registered with the State of Oregon that is authorized according to the State of Oregon Health Authority (OAH) to transfer usable marijuana and immature plants to and from:

- (1) registry identified cardholders, and
- (2) persons responsible for a medical marijuana grow site.

Medical marijuana facilities may be allowed, subject to the following standards and restrictions:

- a. Compliance with all requirements as established by the Oregon Health Authority (OHA) to be validly registered.
- b. Prior to operating the business, the operator shall provide the City with a copy of the medical marijuana facility's valid proof of registration as issued by the OHA.

Introduced for First Reading on May 19, 2014 and given Second Reading on June 2, 2014.

PASSED by the Council and signed by me in open session in authentication of its passage this 2nd day of June, 2014.

Approved:



Jan Fish
Mayor

Attest:



Rick Hohnbaum
City Recorder

Council Vote:

Councilor Reischman Y
Councilor Dials Y
Councilor Silva N
Councilor Stanley N
Councilor Wolf Y
Councilor Parks Y

CITY OF GOLD HILL

CITY CODE AMENDMENTS

STAFF REPORT – GOLD HILL CITY COUNCIL

Project Type: Legislative Amendment to the Gold Hill Municipal Code Chapter 17.36

Procedure Type: City Code Amendment

Applicant: City of Gold Hill

Planner: Dick Converse, Principal Land Use Planner, RVCOG

Date of Staff Report: May 7, 2014

Date of Hearing: May 19, 2014

I. PROPOSAL

Amend Chapter 17.36 of the Gold Hill Municipal Code, to add Medical Marijuana Facility as a permitted use in the Downtown District.

II. AUTHORITY AND CRITERIA

The amendment of the City’s code is a legislative action, governed by Section 17.84.010 (Authorized Amendments). This section states:

“This title may be amended by changing the boundaries of districts or by changing any other provision thereof, whenever the public necessity and convenience and the general welfare require such amendment, by the procedure of this chapter

III. BACKGROUND AND DISCUSSION

On March 17, 2014, the City Council instructed staff to draft amendments to the Municipal Code that would permit medical marijuana facilities in the Downtown zoning district. The action responded to new state legislation permitting marijuana dispensaries, subject to “reasonable regulations.” The proposed amendments are as follows:

Amend Table 17.36.100(A)(6) to add *Medical Marijuana Facility*. (Because the list is alphabetical, the remaining uses on the list will be renumbered.)

Add Section 17.36.180(l):

Medical Marijuana Facility, defined as a facility validly registered with the State of Oregon that is authorized according to the State of Oregon Health Authority (OAH) to transfer usable marijuana and immature plants to and from:

(1) registry identified cardholders, and

(2) persons responsible for a medical marijuana grow site.

Medical marijuana facilities may be allowed, subject to the following standards and restrictions:

a. Compliance with all requirements as established by the Oregon Health Authority (OHA) to be validly registered.

b. Prior to operating the business, the operator shall provide the City with a copy of the medical marijuana facility's valid proof of registration as issued by the OHA.

House Bill 3460 and Senate Bill 1531, enacted by the Oregon Legislature earlier this year, permit governmental bodies to authorize facilities for distributing medical marijuana. These bills amend Oregon Revised Statute (ORS) 475.300-346, which permits the medicinal use of marijuana. While the ORS permits growing of limited amounts of marijuana, the most recent legislation opens the opportunity to establish dispensaries for distribution to holders of medical marijuana cards. The legislation stipulates that such facilities must be a minimum of 1,000 feet from properties containing public or private elementary, secondary, or career schools attended primarily by minors. It also requires a 1,000-foot minimum separation from another medical marijuana facility. These measures and many other restrictions are included in the business license application that must be completed before a medical marijuana facility may open.

Because the legislation is new, there is no uniform method for incorporating it statewide. Some communities consider it an outright permitted retail use, while others such as Central Point have amended their ordinances to specifically include the use, thereby confining it to a particular zoning district. Still others have opted to include the use in a zoning district that requires approval of a conditional use permit. Many have adopted a moratorium to delay implementation of the rules for up to a year. Because the moratorium had to be enacted prior to May 1, 2014, the City Council adopted the moratorium on April 21, while at the same time initiating action on the ordinance amendment.

If adopted, the amendment will add the category and only a couple of special standards that require proof of compliance with Oregon Health Authority (OHA) authorization. The primary reason for this approach is that the legislation is new and could be subject to revisions. If the City's ordinance simply refers to proof of compliance with the OHA

requirements, the state rules in effect at the time an application would govern. The City would not have to amend its code each time there is a change in state law.

IV. CONFORMANCE WITH APPLICABLE CRITERIA:

Section 17.84.010 states that ordinances may be amended whenever the public necessity and convenience and the general welfare require such amendment. There are no other criteria for this action, although “public necessity”, “convenience” and “general welfare” are far-reaching in scope.

The proposed facility is for distribution of products only to holders of medical marijuana cards; the products cannot be sold for recreational use.

The amendment implements new state law that permits medical marijuana facilities, as defined and regulated in ORS 475.300-346. The following findings in ORS 475.300 were made in 1999, when medical marijuana was first approved, and were not modified when the dispensaries were added this year:

The people of the state of Oregon hereby find that:

- (1) Patients and doctors have found marijuana to be an effective treatment for suffering caused by debilitating medical conditions, and therefore, marijuana should be treated like other medicines;
- (2) Oregonians suffering from debilitating medical conditions should be allowed to use small amounts of marijuana without fear of civil or criminal penalties when their doctors advise that such use may provide a medical benefit to them and when other reasonable restrictions are met regarding that use;
- (3) ORS 475.300 (Findings) to 475.346 (Short title) are intended to allow Oregonians with debilitating medical conditions who may benefit from the medical use of marijuana to be able to discuss freely with their doctors the possible risks and benefits of medical marijuana use and to have the benefit of their doctors professional advice; and
- (4) ORS 475.300 (Findings) to 475.346 (Short title) are intended to make only those changes to existing Oregon laws that are necessary to protect patients and their doctors from criminal and civil penalties, and are not intended to change current civil and criminal laws governing the use of marijuana for nonmedical purposes.