



Oregon

Kate Brown, 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 21, 2016
Jurisdiction: City of Dundee
Local file no.: LURA16-01
DLCD file no.: 001-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 04/20/2016. 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.: 002-16 {24377}

Received: 4/20/2016

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 Dundee

Local file no.: **LURA-16-01**

Date of adoption: 4/5/16

Date sent: 4/20/16

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): 1/13/16

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:

Minor changes - Add 1000 foot buffer from parks for marijuana dispensaries/retail outlets, remove provision to be located along Highway 99W, remove provision that product cannot be seen from right-of-way, add Code reference to "park".

Local contact (name and title): Jessica Pelz

Phone: 503-554-7744

E-mail: jessica.pelz@newbergoregon.govStreet address: 620 SW 5th Street

City: Dundee

Zip: 97115-

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:

Amend the Dundee Development Code to add time, place, and manner regulations for medical and recreational marijuana producers, processors, wholesalers, and dispensaries in compliance with the new draft OAR 845-025. Affects Dundee Development Code sections 17.202.020, 17.203.250, 17.501.020.

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:

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. 545-2016

CITY OF DUNDEE
ORDINANCE NO. 545-2016

**AN ORDINANCE AMENDING THE DUNDEE DEVELOPMENT CODE TO ADD
REGULATIONS FOR MARIJUANA FACILITIES**

WHEREAS, the Oregon Legislature enacted four bills during the 2015 legislative session related to the Oregon Medical Marijuana Act and Measure 91: House Bill (HB) 3400 was the omnibus bill covering recreational marijuana and modifications to the medical marijuana program; HB 2014 addressed taxes on the sale of recreational marijuana; SB 460 related to limited retail sales of marijuana from medical marijuana dispensaries; and SB 844 enacted a task force to research the medical and public health properties of cannabis. In addition, the Oregon Liquor Control Commission adopted temporary Oregon Administrative Rules (OAR) in Chapter 845, Division 25 to govern the recreational marijuana program (final draft dated November 20, 2015), and the Oregon Health Authority adopted temporary OAR Chapter 333, Division 8 for revisions to the medical marijuana program (dated September 22, 2015).

WHEREAS, the City previously adopted rules for marijuana dispensaries, and now needs to adopt time, place, and manner regulations for medical marijuana growers and processors, and for recreational marijuana producers, processors, wholesalers, and retailers. This is a timely issue as the state will begin issuing licenses for medical marijuana growers and processors in March 2016, and for recreational marijuana growers and processors in April 2016. Licenses for recreational marijuana wholesalers and retailers are expected to be issued starting in July 2016.

WHEREAS, The proposed amendments would permit recreational marijuana facilities as well as medical marijuana dispensaries in the Commercial (C) and Central Business District (CBD) zones of Dundee. In addition, the proposed Development Code amendments outright and conditionally permit marijuana producers, processors, wholesalers, and testing laboratories in various zones in accordance with the new state laws found in OAR 845-025 and OAR 333-008.

WHEREAS, the Dundee Planning Commission held a public hearing on February 17, 2016, to consider the proposed Development Code amendments and adopted an Order of Recommendation recommending that City Council adopt the proposed regulations for marijuana facilities. After proper notice, the Dundee City Council held a public hearing on April 5, 2016, to consider the proposed Development Code amendments.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DUNDEE HEREBY ORDAINS AS FOLLOWS:

1. The Dundee Development Code is hereby amended as follows. The following language will be included in the Development Code as shown. Proposed additions to the Code are shown as underlined, deletions are shown as ~~strikethrough~~.

Table 17.202.020: Zoning Use Table	P: Permitted Use; CU: Conditional Use; S: Special Use Requirements Apply; N: Not Permitted										
	Residential			Commercial and Employment			Public and Agriculture				Special Use Requirements
Uses	R-1	R-2	R-3	C	CBD	LI	P	PO	A	EFU	
<u>Marijuana Uses</u>											
Marijuana Dispensary or Retail Facility	N	N	N	P/S	P/S	N	N	N	N	N	DMC 17.203.250
Marijuana Producer or Grow Site	<u>N</u>	<u>N</u>	<u>N</u>	<u>CU + S</u>	<u>N</u>	<u>P/S</u>	<u>N</u>	<u>N</u>	<u>P/S</u>	<u>P/S</u>	<u>DMC 17.203.250</u>
Marijuana Processer	<u>N</u>	<u>N</u>	<u>N</u>	<u>CU + S</u>	<u>N</u>	<u>P/S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>DMC 17.203.250</u>
Marijuana Wholesaler	<u>N</u>	<u>N</u>	<u>N</u>	<u>CU + S</u>	<u>N</u>	<u>P/S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>DMC 17.203.250</u>
Marijuana Testing Laboratory or Research Certificate	<u>N</u>	<u>N</u>	<u>N</u>	<u>P/S</u>	<u>N</u>	<u>P/S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>DMC 17.203.250</u>

17.203.250 Marijuana dispensary in a commercial zone facilities.

A. Purpose. The purpose of these standards are to add time, place, and manner regulations for marijuana facilities in accordance with OAR 845-025 and OAR 333-008. All terminology shall have the same meaning as found in the OAR.

B. Marijuana dispensaries dispensary and retail facilities are allowed in the C and CBD zones, provided all of the following are met:

A. 1. The dispensary Must be licensed or registered with the state of Oregon and must meet all provisions of Oregon law.

B. 2. The dispensary Must be located at least 1,000 feet from any park subject to the requirements of DMC 17.203.130, or a public or private elementary, secondary, or career school, elementary, secondary, or parochial school attended primarily by minors, or from another marijuana dispensary or retail facility.

3. Drive-through service and walk-up service windows are prohibited.

4. Must be located in an enclosed permanent building.

5. The facility shall confine all marijuana odors and other objectionable odors to levels undetectable at the property line.

C. Non-Retail Marijuana Facilities: Producers and Grow Sites; Processors; Wholesalers; Testing Laboratories; Research Certificate Facilities. These facilities are permitted as listed in Table 17.202.020, and are subject to the following standards:

1. Outdoor production facilities shall not be located within 100 feet of a residential zone.

2. Processors with an endorsement to extract are prohibited from locating within a commercial zone.

3. Facilities shall confine all marijuana odors and other objectionable odors to levels undetectable at the property line.

4. The floor area for non-retail marijuana facilities located in a commercial zone shall not exceed 5,000 square feet.

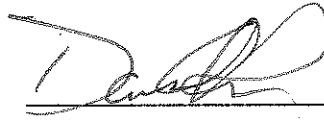
17.501.020 Definitions

"Marijuana dispensary facility" means any facility licensed or registered by the state of Oregon and in compliance with all provisions of Oregon law, including medical marijuana dispensary, grower, and processor, and recreational marijuana producer, processor, wholesaler, and retailer, and marijuana testing laboratory or research certificate facility. All terminology and definitions mean the same as in OAR 845-025 and OAR 333-008.

2. The findings in support of these amendments, as shown in Exhibit "A", are hereby adopted and by this reference incorporated.
3. This ordinance shall take effect on May 5, 2016, thirty days after its enactment.

ADOPTED by the Dundee City Council this 5th day of April, 2016

Approved:



David Russ, Mayor

Attest:



Rob Daykin, City Administrator/Recorder

ATTACHMENTS

Exhibit "A": Findings

Exhibit "A": Findings (LURA 16-01 – Marijuana Facilities)

Amendments are required to be consistent with all applicable local and state laws including the Dundee Comprehensive Plan and Statewide Planning Goals.

Dundee Comprehensive Plan

Economy. Goal: To maintain a level of economic development adequate to meet public need.

Objective (2): To assure that commercial and industrial developments preserve and enhance the aesthetic character and livability of Dundee.

Finding: The Development Code amendments would permit recreational marijuana facilities as well as medical marijuana dispensaries in the Commercial and Central Business District zones of Dundee. In addition, the proposed Development Code amendments outright and conditionally permit marijuana producers, processors, wholesalers, and testing laboratories in accordance with the new state laws found in OAR 845-025 and OAR 333-008. The proposed Development Code amendments contain time, place, and manner regulations as well as regulations intended to promote compatibility with surrounding uses. Therefore, Dundee is complying with the new state law permitting a variety of marijuana facilities, which could create new opportunities for economic development within the city.

Statewide Planning Goals

Goal 9: Economic Development (OAR 660-015-0000(9)) – To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: Dundee's Development Code currently only permits marijuana dispensaries. The proposed Development Code amendments would permit recreational and medical marijuana retail outlets/dispensaries, producers, processors, wholesalers, and testing laboratories in accordance with the new state laws found in OAR 845-025 and OAR 333-008. This would create an opportunity for an additional economic activity in the city of Dundee, therefore helping to promote economic development at the local level.