



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

04/07/2014

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

FROM: Plan Amendment Program Specialist

SUBJECT: Deschutes County Plan Amendment  
DLCD File Number 003-14

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, April 23, 2014

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-day notice. 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: Nick Lelack, Deschutes County  
Jon Jinings, DLCD Community Services Specialist

<paa> YA



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

<b>FOR DLCD USE</b>
003-14 (20251)
File No.: [17825]
Received: 4/2/2014

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: Deschutes County

Local file no.: **TA-14-3**

Date of adoption: 03-17-14

Date sent: 4/3/2014

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): 3-10-14

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. However, amendment does not apply to Statewide Planning Goals.

Local contact (name and title): Nick Lelack, CDD Director

Phone: 5413851708

E-mail: Nick.Lelack@deschutes.org

Street address: 117 NW Lafayette Ave

City: Bend

Zip: 97701-

### 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 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:

9.04.040. Controlled Substances

A. There is a moratorium on the operation of any marijuana dispensary in any area subject to the jurisdiction of Deschutes County.

B. As used in this section, ‘marijuana dispensary’ includes any facility that dispenses marijuana pursuant ORS 475.314, or any other provision of Oregon law.”.

**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:
---------------------------	--------------	----------------

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.

REVIEWED  
*[Signature]*  
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Adding DCC 9.04.040 to Prohibit \*  
Any Marijuana Dispensary in Any Area Within \*                                       ORDINANCE NO. 2014-008  
the Jurisdiction of Deschutes County and \*  
Declaring an Emergency. \*

WHEREAS, the Board of County Commissioners ("Board") initiated an amendment to Deschutes County Code Title 9 to add Chapter 9.04.040 Controlled Substances; and

WHEREAS, after a duly noticed public meeting, on February 27, 2014, the Deschutes County Planning Commission reviewed the amendment and voted five to zero (5-0) to forward the amendment without taking a position to the Board; and

WHEREAS, after a duly noticed public hearing, on March 17, 2014 the Board approved the amendment to Deschutes County Code; and

WHEREAS, Section 1 of this Ordinance is enacted pursuant to one or more of the following authorities:

- (1) The inherent powers of Deschutes County pursuant to the Oregon Constitution and Oregon law;
- (2) The federal Controlled Substances Act, 21 USC 801, *et seq*;
- (3) 2014 Oregon Senate Bill 1531;
- (4) 2013 Oregon House Bill 3460; now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. ADDING. Deschutes County Code Section 9.04.040 Prohibited Substances is added to read as described in Exhibit "A"

Section 2. EMERGENCY. This Ordinance being necessary for the public peace, health and safety, an emergency is declared to exist and this Ordinance takes effect on its passage.

Section 3. A copy of this Ordinance shall be forwarded to the Oregon Health Authority by regular mail, and by any other such means as required by rule of the Oregon Health Authority.

///

Section 4. SUNSET CLAUSE. This ordinance is repealed May 1, 2015.

Dated this 17<sup>th</sup> of March, 2014

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

  
TAMMY BANEY, Chair

  
ANTHONY DEBONE, Vice Chair

ATTEST:

  
ALAN UNGER, Commissioner

\_\_\_\_\_  
Recording Secretary

Date of 1<sup>st</sup> Reading: 17<sup>th</sup> day of March, 2014.

Date of 2<sup>nd</sup> Reading: 17<sup>th</sup> day of March, 2014.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Tammy Baney	<u>✓</u>	—	—	—
Anthony DeBone	<u>✓</u>	—	—	—
Alan Unger	<u>✓</u>	—	—	—

Effective date: 17<sup>th</sup> day of March, 2014.

**9.04.040. Controlled Substances**

- A. There is a moratorium on the operation of any marijuana dispensary in any area subject to the jurisdiction of Deschutes County.
  - B. As used in this section, ‘marijuana dispensary’ includes any facility that dispenses marijuana pursuant ORS 475.314, or any other provision of Oregon law.”
- (Ord. 2014-008, §1, 2014)