



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



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

Date: September 18, 2015

Jurisdiction: Polk County

Local file no.: LA 15-01

DLCD file no.: 002-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 09/17/2015. 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 51 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](mailto:plan.amendments@state.or.us)



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

**FOR DLCD USE**  
 File No.: 002-15 {23722}  
 Received: 9/17/2015

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: Polk County

Local file no.: **LA 15-01 (Extension)**

Date of adoption: 9/16/2015

Date sent: 9/17/2015

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): 4/1 and 8/27/15

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:

No

Local contact (name and title): Austin McGuigan

Phone: 503-623-9237

E-mail: mcguigan.austin@co.polk.or.us

Street address: 850 Main St.

City: Dallas

Zip: 97338-

**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:

Polk County adopted a temporary moratorium on the establishment of marijuana facilities (which are not currently enumerated as a permitted use in any zone) within unincorporated Polk County

**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):

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

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.

Administrative Rules governing the process by which marijuana facilities can operate have not been finalized. Pursuant to ORS 197.520(4), Polk County granted a 6 month extension to the adopted temporary moratorium on the establishment of marijuana facilities within unincorporated Polk County for the preservation of public health, safety and welfare until the County has had more time to determine what land use regulations could be imposed through LA 15-02.

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2  
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4  
5 **BEFORE THE BOARD OF COMMISSIONERS**  
6 **FOR THE COUNTY OF POLK, STATE OF OREGON**  
7

8 In the Matter of Extending a Temporary )  
9 Moratorium on Medical and Recreational )  
10 Marijuana Facilities within the Jurisdiction )  
11 Of Polk County, Oregon )  
12  
13

14 **ORDER NO. 15-15**  
15  
16

17 **Authority.** This Order is adopted pursuant to the powers of Polk County under  
18 ORS 197.520(4), ORS 203.035, the Oregon Constitution, and the federal Controlled Substances  
19 Act, 21 U.S.C. § 801 *et seq.*  
20

21 **Purpose.** The purpose of this Order is to extend a temporary moratorium in  
22 accordance with ORS 197.520 on the establishment of new and expansion of existing marijuana  
23 facilities in any area within the jurisdiction of Polk County. The purpose of the moratorium  
24 extension is to delay development of County land use regulations for recreational and medical  
25 marijuana until the state regulations have been adopted. The moratorium will therefore allow the  
26 County to develop comprehensive zoning regulations that are consistent with state regulations for  
27 both recreational and medical marijuana. Furthermore, by waiting until the state regulations are  
28 adopted, the County seeks to avoid adopting land use regulations that would have to be  
29 immediately revisited to comply with state regulations.  
30

31 **History.** In the coming months, Oregon will gain a second regulatory program  
32 for marijuana. The first is an existing program for medical marijuana, which was approved by the  
33 voters in 1998 and is governed by the Oregon Medical Marijuana Act ("OMMA"), *codified at*  
34 *ORS 475.300 et seq.* The Oregon Health Authority administers the OMMA.  
35

36 Oregon's second marijuana program was approved by the voters in November 2014 through  
37 Ballot Measure 91, which legalizes recreational marijuana. Measure 91 was then drastically  
38 altered by HB 3400 (2015). The recreational marijuana program will be administered by the  
39 Oregon Liquor Control Commission ("OLCC") in accordance with HB 3400. OLCC is currently  
40 developing rules to implement the program.  
41

42 In sum, Oregon's two marijuana programs will be administered by two different state agencies  
43 under two separate and distinct regulatory frameworks. The regulations implementing

1 recreational marijuana are not yet developed. However, regulations affecting both programs  
2 should be solidified in the coming months.

3  
4 **THE POLK COUNTY BOARD OF COMMISSIONERS HEREBY ORDERS THAT:**


5  
6 **Section 1. Moratorium Extension Declared.** The existing moratorium on  
7 medical marijuana facilities and recreational marijuana facilities within the unincorporated  
8 boundaries of Polk County per Polk County Ordinance 15-01 is hereby extended pursuant to  
9 ORS 197.520(4).

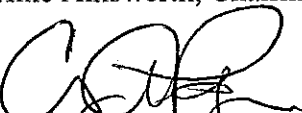
10  
11 In support of this moratorium extension, the County adopts the findings in the Staff  
12 Report dated September 16, 2015, which is attached hereto as Exhibit A and incorporated herein  
13 by this reference.

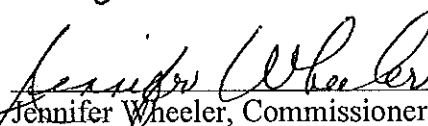
14  
15 **Section 2. Duration of Moratorium Extension.** The moratorium imposed by  
16 Polk County Ordinance 15-01 shall be extended an additional six (6) months, and expire on  
17 March 16, 2016.

18  
19 Dated: September 16, 2015 at Dallas, Oregon

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21 POLK COUNTY BOARD OF COMMISSIONERS

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25 Mike Ainsworth, Chairman

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29 Craig Pope, Commissioner

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32 \_\_\_\_\_  
33 Jennifer Wheeler, Commissioner

34 Approved as to Form:

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36 \_\_\_\_\_  
37 Morgan Smith,  
38 County Counsel  
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