



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 03, 2015
Jurisdiction: City of Prineville
Local file no.: AM-2015-100
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 04/02/2015. 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 less than 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 {22654}
Received: 4/1/2015

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 Prineville

Local file no.: **AM-2015-100**

Date of adoption: March 31, 2015

Date sent: 4/1/2015

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): January 27, 2015

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 applicable.

Local contact (name and title): Phil Stenbeck, CFM Planning Director

Phone: (541) 447-8338

E-mail: pstenbeck@cityofprineville.com

Street address: 387 NE Third Street

City: Prineville

Zip: 97754-

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:

Amendments to the Comprehensive Plan and Land Use Code pertaining to Marijuana Facilities. Industrial land, Commercial land and Growth Management Sections.

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from n/a to _____ acres. A goal exception was required for this change.
- Change from n/a to _____ acres. A goal exception was required for this change.
- Change from n/a to _____ acres. A goal exception was required for this change.
- Change from n/a to _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): n/a

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: n/a	Non-resource – Acres:
Forest – Acres: n/a	Marginal Lands – Acres:
Rural Residential – Acres: n/a	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: n/a	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: n/a	Non-resource – Acres:
Forest – Acres: n/a	Marginal Lands – Acres:
Rural Residential – Acres: n/a	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: n/a	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:

Added Chapter 153A (Medical Marijuana) to the City of Prineville Land Use Code.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from n/a	to	Acres:
Change from n/a	to	Acres:
Change from n/a	to	Acres:
Change from n/a	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: Medical Marijuana Overlay Acres added: 1253 Acres removed: n/a

Location of affected property (T, R, Sec., TL and address): T15,R15,S1,2,11,12,13,14.

List affected state or federal agencies, local governments and special districts: Crook County, Crook County Fire District.

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 Prineville Ordinance 1212 is attached showing the Comprehensive Plan Language added to the City Plan, the Chapter 153A Medical Marijuana Land Use Code, and the first Medical Marijuana Overlay Zone. In addition to the Overlay Zone, the land use code requires a conditional use permit. The Medical Marijuana Overlay Zone and Conditional Use Permit can be applied for in other areas of the City which require meeting State and City Land Use Code requirements.

ORDINANCE NO. 1212

AN ORDINANCE ADOPTING AMENDMENTS TO THE CITY OF PRINEVILLE COMPREHENSIVE PLAN REGARDING MARIJUANA GROW SITES AND MARIJUANA FACILITIES AND ADOPTING CHAPTER 153A OF THE CODE OF PRINEVILLE PERTAINING TO MEDICAL MARIJUANA GROW SITES AND FACILITIES

WHEREAS, the issue of whether a local government believes a certain type of business should operate within its jurisdictional limits is a local government decision, the enforcement of which is subject to the general and police powers of that jurisdiction;

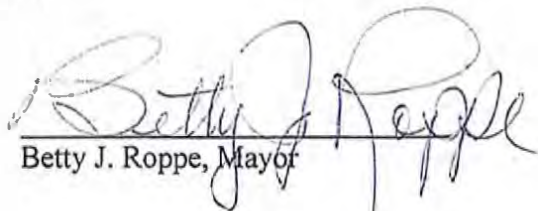
WHEREAS, in 2014 the Oregon Legislature enacted Senate Bill 1531 which removes immunity from state prosecution for a person who is responsible for or employed by a registered medical marijuana facility located in an area subject to the jurisdiction of a city or county that enacts a moratorium prohibiting the operation of a medical marijuana facility; and

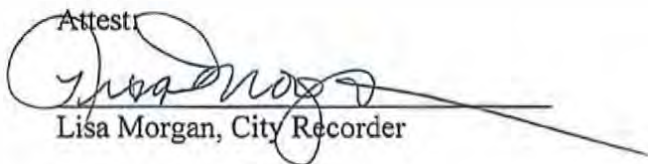
WHEREAS, the City of Prineville believes it is in the best interests of the health, safety, and welfare of the citizens of Prineville to enact land use regulations guiding the operation of medical marijuana grow sites and facilities within the jurisdictional boundaries of Prineville;

NOW THEREFORE, BASED ON THE FOREGOING, THE PEOPLE OF THE CITY OF PRINEVILLE ORDAIN AS FOLLOWS

1. The pages of the City of Prineville Urban Area Comprehensive plan attached hereto as Exhibit A are hereby amended to read as shown on the attached Exhibit A.
2. The City hereby adopts the land use regulations shown on the attached Exhibit B for the operation of medical marijuana grow sites and medical marijuana facilities in any area subject to the jurisdiction of the City.
3. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or application of the Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.
4. This Ordinance shall go into effect on May 1, 2015.

PASSED by the City Council this 31st day of March, 2015.


Betty J. Roppe, Mayor

Attest:

Lisa Morgan, City Recorder

Chapter 2 Urban Land Uses and Zoning Designations

Purpose and Intent

The Prineville urban area contains land use descriptions and zoning for residential, commercial, and industrial areas. This chapter examines the different zone and land use designations and implementation strategies. The primary designations implement the strategies that regulate the use of land and its ability to support the community's long-term development objectives. The goals, policies and programs contained in this chapter will help the City manage its land uses to meet the growth needs of the Prineville community. It should be noted that the existing Comprehensive Plan Map, also known as the "Prineville Area Physical Development Plan", will need to be updated and various changes made given the age and poor drafting quality. Commensurate with revisions and improvements to the Comprehensive Plan Map, various errors were discovered on the 2006 Zoning Map. These errors and other needed revisions will be needed to improve consistency and compatibility with the revised Comprehensive Map.

Issues, Goals, Policies, and Programs

The anticipated growth of the community will create a variety of pressures upon local citizens, the environment, and infrastructure of Prineville. A variety of land uses and commensurate development regulations will help keep community values intact.

The intent of this chapter focuses on specific land use practices that provide the guidance necessary for accommodating growth while continuing to preserve, maintain, and enhance Prineville's community values.

Definitions

Marijuana Grow Site (MG) - means a location registered by the State of Oregon where marijuana is produced and/or processed for more than one State of Oregon registry identification card holder.

Marijuana Facility (MF) - means a location registered by the State of Oregon, where marijuana is processed or dispensed.

Goal # 1: Create land use zones and land use regulations that enhance Prineville without sacrificing community values

Commercial Zone Values and Policies

- Commercial zones shall be places that provide a wide range of services and goods to citizens in a convenient manner and without creating unnecessary subsidies.
- Commercial areas, nodes, and zones should be located throughout the community to provide convenient shopping, employment, and services to citizens in an efficient manner.

- Commercial zones must include outright permitted and conditional uses adequate to fully support the needs of the Prineville community.
- Commercial zone regulations should be flexible and include incentives to attract businesses to create a self-supporting community and competitive business environment.
- Commercial zones should provide adequate opportunities to locate and operate businesses so Prineville can be as self-sufficient as possible without requiring citizens to make excessive vehicle trips to other communities.
- Commercial zones should receive high priority for improved infrastructure and other government capital improvement programs.
- The downtown business commercial core area is a key feature of Prineville and should be enhanced to provide a draw for all citizens and visitors alike. Convenient and plentiful transportation and parking opportunities are necessary for the success of the downtown area.
- Commercial areas should provide not only service and shopping opportunities but adequate supplies of employment opportunities.
- Commercial projects that contain quality architecture, reflective of the locale and environment, mixed-uses, open spaces, pedestrian amenities, and adequate parking areas shall be required and promoted throughout the community as the city grows.
- Commercial projects that are aesthetically designed to blend in with the environment and are compatible with mixed-uses and residential areas will be encouraged over commercial developments that require large acreages and private parking fields.
- Commercial projects that maximize land spaces and are multi-storied with opportunities for upper-floor and/or offices and housing should be encouraged as a way to utilize valuable lands efficiently.
- Existing strip commercial areas can be unsightly, unsafe, and create excessive vehicle trips. Successful development strategies should include methods for redeveloping and improving the curbside appearance and function of existing strip areas.
- New extensions of commercial strip areas shall be developed only when it can be proven that needed services could not be provided to the community without developing lands at the ends of the exiting strips. Such new extensions shall be designed as centers with shopping streets or lanes instead of direct highway access. Building setbacks in commercial strip areas shall be such as to minimize distances onto sidewalks and streets, thus encouraging safe and easy pedestrian and bicycle access.
- New commercial areas, not at the ends of existing strips shall be designed as commercial nodes or centers to avoid creating new strip areas.

- Commercial areas should allow for service, repair and small manufacturing as a way to preserve industrial parcels in large acreages. Special incentives may be needed to control land prices for these uses.
- New commercial zones should be in areas where commercial and support services are needed and will thrive.
- Marijuana Facilities (MF) may be allowed in Commercial Zones through the application of Marijuana Overlay and process found in the City of Prineville Land Use Code Chapters 153 and 153A.
- Marijuana Grow Sites (MG) may be allowed in Commercial Zones through the application of the Marijuana Overlay and permit process found in the City of Prineville Land Use Code Chapters 153 and 153A.

Industrial Zone Values and Policies

- Industrial areas that are served by adequate community transportation, convenient connections to highway access, workforce housing, water, and sewer, communication, power and gas systems will have a competitive advantage in the Central Oregon Region.
- Industrial zones should provide the greatest density of manufacturing jobs per acre, exclusive of workforce housing, and be located in places that do not disrupt the function of other land uses.
- Industrial zones should provide places for manufacturing, repair, with potential for high concentrations of jobs, products, and services in areas that can be conveniently served by transportation and easily accessed by high numbers of employees.
- Industrial activities should include buffers to protect any nearby neighborhoods and/or workforce housing from the negative effects of industrial activities. Heavy industrial uses should be located away from residential neighborhoods.
- New Industrial zones should be located close to other industrial zones as a way to maximize available infrastructure.
- It is necessary to prioritize capital improvements in industrial areas to attract and retain industrial and manufacturing uses.
- Clean industries are preferred. Industries that produce excessive noxious airborne particulates and non-disposable hazardous waste may not be allowed.
- Industrial zones shall have vegetative buffers to reduce the negative impacts of large, plain buildings, outdoor storage, mechanical equipment, and large parking areas on adjacent less intensive zones or uses.
- Industrial areas that provide a wide choice of parcel sizes including workforce housing options and are highly desirable.

- Large industrial lots of more than 20 acres in size should be reserved as an enticement for attracting new industry.
- Small service, repair, and manufacturing industries should be encouraged to locate in commercial areas, if appropriate, as a way to retain large industrial acreages. Special incentives may be needed to offset the difference in land costs.
- Industrial areas that provide mixed-use opportunities and service uses for employees can reduce excess vehicle trips and community subsidy. They should be encouraged in industrial zones subject to proper siting and regulations that limit standard or non-workforce housing.
- Larger width streets are appropriate in industrial areas as are employee amenities including public, parks, day care, respite areas, trail connections, and other outdoor recreation opportunities.
- Incentives that retain and attract industries to Prineville will benefit the community as a whole by improving the employment and population balance and promote overall economic growth.
- Industrial areas near local airports can enhance commerce and attract compatible aviation activities and industries.
- Industrial areas near the City Railroad facilities can enhance commerce and attract supportive activities and industries. Industrial uses should be encouraged to use railroad facilities for transportation of heavy freight, thus reducing vehicular traffic on roadways.
- There are several older industrial zone designations within Prineville that are no longer appropriate due to: abutting development patterns; redevelopment and site changes that have occurred as a result of a declining timber industry; specific locational characteristics that are better suited to mixed-use urban development patterns; and, brownfield redevelopment opportunities. These unique areas should be converted to other uses subject to proper analysis, zone changes, and plan amendments as needed.
- Conversions of industrial lands to other uses shall only be allowed for development of mixed-use projects. These conversions will only be allowed when the zone change and plan amendment process includes studies, as appropriate, showing that the conversion does not negatively affect the 20 year supply of industrial lands.
- Marijuana Facilities (MF) may be allowed in Industrial Zones through the application of the Marijuana Overlay and permit process found in the City of Prineville Land Use Code Chapters 153 and 153A.
- Marijuana Grow Sites (MG) may be allowed in Industrial Zones through the application of the Marijuana Overlay and permit process found in the City of Prineville Land Use Code Chapters 153 and 153A.

Goal # 5: Establish growth management tools and other strategies to pace land development with the ability to provide the required services within the community

Growth Management Community Values and Policies

- Prineville will need to utilize various planning strategies to accommodate growth and have a higher success rate for developing as intended and with minimum conflict.
- Properly accommodating future growth assures the community that new development and redevelopment are supported by adequate infrastructure.
- Infrastructure expansions and improvements at the core of the community tend to regulate growth at a pace that the community can accept without reducing service levels for existing residents.
- Capital Improvement Plans that support existing industry, commerce and residential areas before serving new urban lands typically utilize limited public funds in an efficient and practical manner without subsidizing growth.
- Growth models can help predict the intended pattern of growth and provide realistic development guidelines for developers.
- Development must “pay its own way” to reduce community subsidy and minimize the negative effects of growth.
- Limitations on development outside of the City limits will reduce unnecessary “leap frog development” and unanticipated City subsidy.
- Developers must be required to analyze the full impact of proposed development upon infrastructure, schools, parks, natural resources, cultural resources and emergency services before development.
- Marijuana Facilities (MF) and Marijuana Grow Sites (MG) may be allowed in Industrial or Commercial Zones through the application of the Marijuana Overlays and permit process found in the City of Prineville Land Use Code Chapter 153 and 153A. Approval of the Marijuana Overlays found in the City of Prineville Land Use Code shall be required to:
 - be consistent with the Comprehensive Plan;
 - be suitable for the MF and MG in accordance with the Prineville Land Use Code;
 - be considerate of the public health, safety, and welfare;
 - be licensed by the State of Oregon.

CITY of PRINEVILLE

**CHAPTER 153A
MEDICAL MARIJUANA & OVERLAY ZONE**

153A.001 - PURPOSE

This Chapter establishes regulations for growing, processing and dispensing of medical marijuana. State Law has authorized the City of Prineville to allow Oregon Medical Marijuana Act activities. The purpose of this Chapter is to minimize adverse impacts on the community including but not limited to impacts on traffic, adjacent properties, schools, parks and other places where minors congregate, and other land uses potentially incompatible with such facilities.

153A.002 – GENERAL PROVISIONS

All Medical Marijuana activities shall comply with the provisions of this chapter and Oregon State Law as may be amended from time to time. State laws regarding Medical Marijuana can be found in Oregon Revised Statutes 475.300 through 475.346.

Medical Marijuana activities may be allowed, subject to the Medical Marijuana Overlay zone adopted as part of this Chapter and the underlying zone criteria in Chapter 153 of the Code of Prineville. No growing, processing or dispensing of Medical Marijuana shall be located within the City unless the reviewing authority finds that it satisfies all the requirements of this Chapter and State law.

153A.003 – DEFINITIONS

For the purposes of this Chapter, the following definitions shall be used as well as those listed in State law ORS 475.302 pertaining to Medical Marijuana and those contained in Chapter 153 of the Code of Prineville.

MEDICAL MARIJUANA DISPENSARY (MMD) – means a location registered under ORS 475.314 where medical marijuana is dispensed to a registry identification cardholder.

MEDICAL MARIJUANA GROW SITE (MMG) - means a location registered under ORS 475.304 where marijuana is grown or grown and processed for use by a registry identification cardholder.

MEDICAL MARIJUANA FACILITY (MMF) - means a location that is growing and/or processing and dispensing Medical Marijuana.

MEDICAL MARIJUANA ACTIVITY (MMA) – means any single use or combination of growing, processing or dispensing Medical Marijuana.

MEDICAL MARIJUANA OVERLAY (MM) – means designated areas of the City where MMFs, MMGs and MMDs are allowed.

MINOR – means an individual under the age of 18.

PUBLIC PARK – For the purposes of this Chapter a public park is defined as a public area managed for recreation and attended primarily by minors but excluding bike and pedestrian paths or trail systems and staging areas.

REVIEWING AUTHORITY – means the City of Prineville and/or applicable State agency.

SCHOOL - CAREER SCHOOL – means any private proprietary professional, technical, business or other school instruction, organization or person that offers any instruction or training or preparing persons for any profession at a physical location attended primarily by minors.

PRE-SCHOOL – means a school of instruction attended primarily by pre-kindergarten or age level equivalent (ages 2-5).

PRIMARY SCHOOL – (aka elementary school) means a learning institution containing one or any combination of grades kindergarten through 8th grade or age level equivalent.

SECONDARY SCHOOL – means a learning institution containing one or any combination of grades 9 through 12 or age level equivalent and includes those institutions that provide junior high schools which include 9th grade.

153A.004 – STANDARDS FOR MEDICAL MARIJUANA ACTIVITIES

The following standards are in addition to laws and regulations set forth by the State of Oregon.

A. License/Registration.

1. An applicant shall provide proof of being registered with the State in accordance with the Medical Marijuana Act as stated in *ORS 475.300 – 475.346 as amended*.
2. An applicant shall obtain a license from the City of Prineville as applicable.

B. Location.

1. A MMA shall be located within the approved MM overlay.
2. A MMA shall not be mobile.
3. A MMD shall not be located at the same address as a MMG.
4. A MMD shall not be located within 1000ft. of another MMD.
5. A MMA shall not be located:
 - a. Within 1,000 feet of the real property comprising a:
 1. Public or private preschool, elementary, secondary or career school attended primarily by minors; or,
 2. Licensed daycare center; or
 3. County Court House or City Hall; or,
 4. Public library; or,
 5. Public park; except industrially zoned properties above the rimrock

C. Operation.

1. Marijuana plants and products shall not be visible to the public other than within the facility itself.
2. Marijuana products shall not be sold through a drive through window.
3. There shall be no burning of plant waste. Plant waste may be composted or disposed of at the County landfill with the County's approval.

D. Overlay Zone.

1. The adoption of this Chapter includes adoption of the MM Overlay zone map attached to this code.
2. The MM overlay zone is in addition to any requirements of the underlying city zone and shall not be interpreted to supersede any city code or ordinance.
3. Annexation of property within the Urban Growth Boundary (UGB) does not automatically include the property within the MM Overlay. As part of the annexation process the City Council with a recommendation from the Planning Commission shall make the determination on whether to include the property in the MM Overlay using the same criteria listed in 153A.004 (B) and D.4.
4. Approval of additional area or areas within the MM Overlay other than through an annexation process requires a zone change which places the overlay upon a property. The Zone Change process shall be in accordance with this Chapter and requirements found in Chapter 153 of the Code of Prineville. Requests for additional areas within the MM Overlay is at the discretion of the City Council, based on the criteria above in section (B) and the following:
 - a. Shall ensure the health, safety and welfare of minors. The intent is to minimize the exposure of marijuana to minors.
 - b. Shall only be located within commercial or industrial zones.
 - c. Shall not be located on a commercially or industrially zoned property whose property line is 100ft. from a residential zone or property line of a residential use.
 - d. Access to the property shall not be primarily through a residential neighborhood except for arterial or major collector streets.
 - e. Overlay areas may be restricted to a specific type of use such as solely a MMD or

MMG.

153A.006 – APPLICATION PROCESS

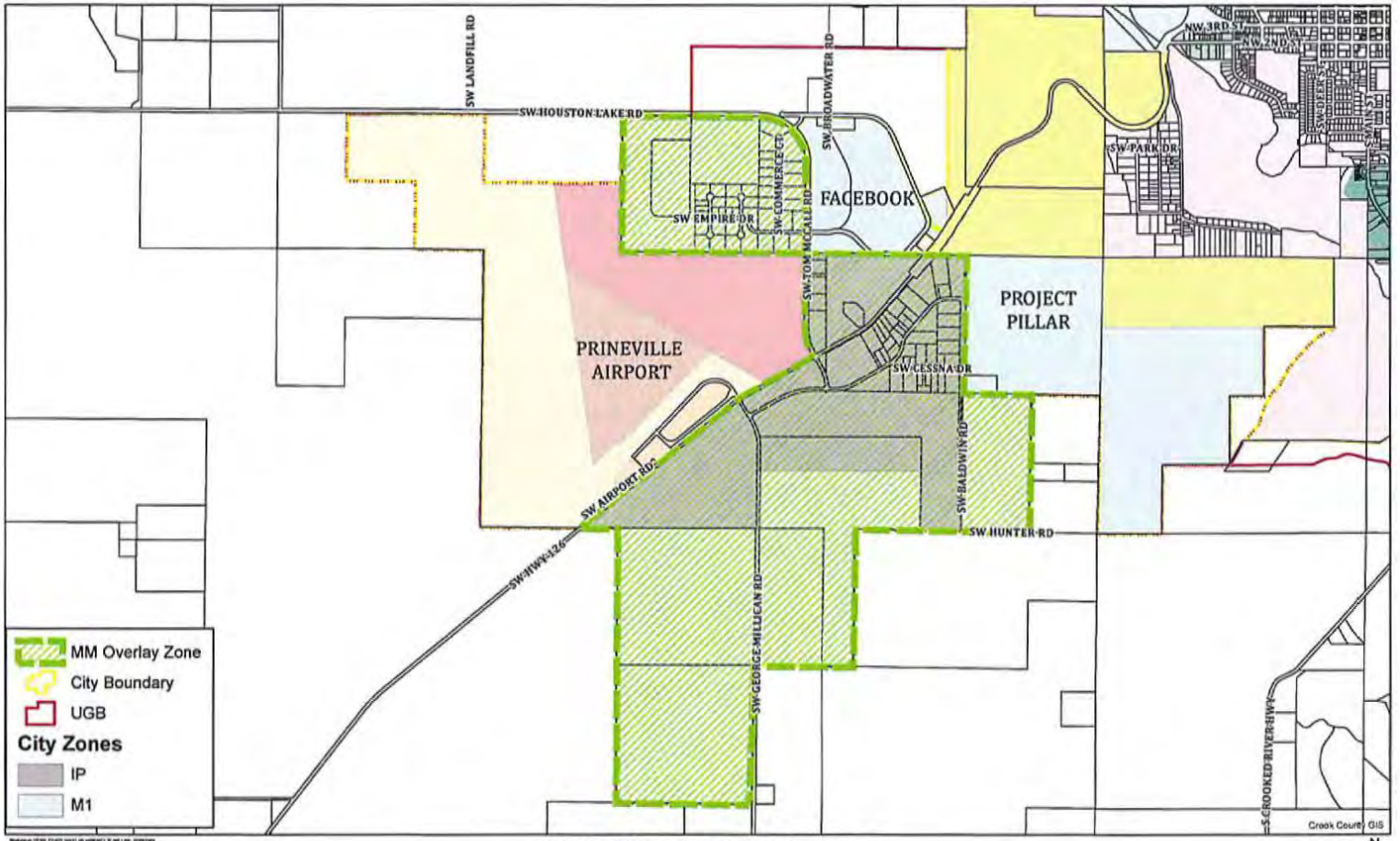
- A. Applications shall only be processed for properties within the City approved overlay zone.
- B. Application shall be processed by the City's Planning Department.
- C. Applications for Medical Marijuana Activities within the overlay zone shall be processed as a Type 1 conditional use as defined in Chapter 153. Application fees shall be consistent with the City's fee schedule for the type of application; such as a change of use or new construction.
- D. Notice shall be given to owners of record of property within 200 feet of property that is subject of the notice as shown on the most recent property tax assessment rolls.
- E. The underlying zone criteria shall govern the construction of any new structures within the overlay zone, however the use of that structure as an MMA shall also meet the criteria of this chapter. Applications for new construction and use may be combined into one application with the fee being the greater of the two.

153A.007 – ENFORCEMENT

The City's Planning Director and Chief of Police are charged with enforcement of the provisions of this Chapter.

153A.008 – PENALTY

Any person or persons who are convicted of violating any provisions of this Chapter shall be fined not more than \$500 for each offense. Each day's violation of this Chapter constitutes a separate offense.



Medical Marijuana Overlay Zone

1. This map was prepared using GIS data provided by the City of Prineville. The City of Prineville is not responsible for any errors or omissions on this map.

Creek Court GIS





City of Prineville
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
STAFF REPORT
PLANNING COMMISSION RECOMMENDATION

File No.: AM-2015-100
Applicant/Owner: City of Prineville
Notice to DLCD: 01/27/15
PC Workshops: 02/03/15 & 02/17/15
Newspaper Notice: Planning Commission Notice – 2/20/15
City Council Notice – 2/27/15 and 3/13/15
Public Hearing: Planning Commission - 3/3/15
City Council hearing – 3/10/15 and 3/24/15
City Council Hearing: 03/10/15
Staff: Joshua Smith
Senior Planner

Proposal: The City of Prineville is proposing to amend its Land use Code. The purpose of the proposed amendments are to create rules and regulations for managing Medical Marijuana Activities. This proposal will amend the City's Comprehensive Plan, create Chapter (153A) in the City's Land use Code and adopt a Medical Marijuana overlay zone map.

Planning Commission Hearing Summary:

Staff – There were 3 items to vote on at this hearing, a Comprehensive Plan Amendment, Land Use Code Amendments and Policy G. Policy G is a section of the proposed Comprehensive Plan Amendment that would require the City to wait for Federal approval of medical marijuana before implementing our land use code. The Commission's primary discussion points are summarized under their section below.

The Planning Director began with a presentation of the changes proposed for the City's Comprehensive Plan. The Director explained the need for the guiding language in the Comprehensive Plan that then translates into more detailed language in the proposed land use code.

The Senior Planner then provided a section by section presentation of the proposed land use code. Through this presentation many questions were asked by staff and the Commission about wording and content. Staff specifically asked for slight changes to the wording of the definitions, to make them more understandable.

The Planning Director then began the discussion about Policy G and what it means. The Commission had a few questions before the Chair opened the meeting for public testimony.

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City Council Staff Report

Public Testimony – All testimony was in support of allowing medical marijuana or general questions about the code or process. Four individuals provided testimony as follows:

David Ordonez – is an owner of a dispensary in Bend and spoke in support of medical marijuana and its medicinal benefits.

Keith Rivera – had a general question about the buffering of the State Park and whether it would affect his property in the Baldwin Industrial Park. Staff stated that it would not affect his property.

Pete Rensure - is a broker representing other property owners. He had a question about process and when this code may be implemented. Staff explained the process and the different outcomes based on the City Council decision.

Sean Maupin – asked the question as to whether this would prohibit an individual from growing at home. Staffs initial response was no due to safety concerns and the concern that they would grow for others, becoming a de facto dispensary. The Commission clarified under deliberations that a person should be allowed to grow at home for themselves but not others. The Commission asked staff to clarify this in the Comprehensive plan.

Planning Commission - Throughout the course of the hearing and during Commission deliberations the Commission debated many aspects of the proposed code amendments. The following is a summary of the primary discussion points.

How to process an application for and overlay expansion and then an application within the overlay was discussed in depth. The Commission ultimately left the code language as written but requested a change in the Comprehensive Plan language to remove the reference to the type 1 conditional use process.

Another point of discussion was the 100ft. buffer from the residential property line and whether that should negate any use of an abutting property that may have a portion of their property outside the 100ft. The Commission debated whether to have the buffer be from the marijuana use itself, but ultimately left the code as written.

The Commission discussed whether language to the code should be added back in from the workshop discussions about marijuana activities becoming non-conforming uses. Essentially, what happens when a use that requires a 1000ft. buffer is located within a 1000ft. of a marijuana activity? Staff explained that in practice; uses existing prior to a rule change or other issue that makes them non-conforming may remain in use. This is commonly referred to as grandfathering. The State, however; may not allow them to remain. The Commission determined it was unnecessary to add the language and left the code as written.

The question of whether this code would restrict a person's ability to grow at home was also discussed at length. The State allows a card holder to grow at home for personal use. The concern is that these home grows can quickly become large home grows that distribute to more than one person, becoming de facto dispensaries and grow operations, which also become safety concerns. The Commission agreed that they did not want to make growing for personal use illegal in the land use code. The Commission requested a change in the Comp. Plan definitions that clearly states that growing for more than one constitutes a marijuana grow site.

Staff asked if the Commission to confirm the definition changes and whether they wanted to leave in the restriction of no drive up windows and whether there should be specific language that requires all activities to be indoors. The Commission agreed to the changes in the definitions and to leave in the restriction of no drive up windows. They determined the indoor use language to be unnecessary.

Lastly the Commission discussed the issue of waiting on the Federal Government to legalize medical marijuana before implementing this code. The Commission ultimately made a recommendation to remove the provision from the Comprehensive plan language there by allowing this code to be implemented without a change in Federal Law. The Commission was adamant that

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City Council Staff Report

this was just a recommendation and that the language should remain in the draft for the City Council to also review.

Motion - Three motions were made as follows:

Land use code: Tim Harris made a motion to recommend the land use code amendment with changes as discussed. Ron Cholin seconded the motion and the motion passed with a 6 to 0 vote.

Comprehensive Plan: Deb Harper made a motion to recommend the Comprehensive plan amendment with changes as discussed. Bob Spaulding seconded the motion and the motion passed with a 6 to 0 vote.

Federal law recommendation (Policy G): Tim Harris made a motion to recommend deletion of policy G with the understanding that City Council will still see the language at their hearing. Bob Spaulding seconded the motion and the motion passed with a 5 to 1 vote.

Staff/Commission Findings: The Commission discussed this amendment in two workshops on 02/03/2015 and 02/17/2015 and a one public hearing on 3/3/2015 where the Commission voted on a recommendation to City Council.

The following is the recommended language and findings for the proposed amendment to the City's land use code, creating Chapter 153A regulating medical marijuana in the City of Prineville. A couple of additions were made and are highlighted that were not part of the Planning Commission recommendation.

153A.001 - PURPOSE

This Chapter establishes regulations for growing, processing and dispensing of medical marijuana. State Law has authorized the City of Prineville to allow Oregon Medical Marijuana Act activities. The purpose of this Chapter is to minimize adverse impacts on the community including but not limited to impacts on traffic, adjacent properties, schools, parks and other places where minors congregate, and other land uses potentially incompatible with such facilities.

FINDING 1: The purpose statement is written to provide a broad context to the intent of the proposed amendment. If a situation arises that the code does not address or addresses inadequately, the purpose statement is used as a final measure to making a decision.

153A.002 – GENERAL PROVISIONS

All Medical Marijuana activities shall comply with the provisions of this chapter and Oregon State Law as amended. State laws regarding Medical Marijuana can be found in Oregon Revised Statutes 475.300 through 475.346.

Medical Marijuana activities may be allowed, subject to the Medical Marijuana Overlay zone adopted as part of this Chapter and the underlying zone criteria in Chapter 153. No growing, processing or dispensing of Medical Marijuana shall be located within the City unless the reviewing authority finds that it satisfies all the requirements of this Chapter and State law.

FINDING 2: General Provisions are provisions that apply to all uses this amendment is intended to allow. The first paragraph requires compliance with State law and any amendments made to those laws as they pertain to medical marijuana. The second paragraph restricts medical marijuana activities to an overlay zone and requires the reviewing authority (*which is both the City and OHA*) to ensure that all requirements of this chapter and State law are met. The overlay is discussed further in Finding 7.

153A.003 – DEFINITIONS

For the purposes of this Chapter, the following definitions shall be used as well as those listed in State law ORS 475.302 pertaining to Medical Marijuana.

MEDICAL MARIJUANA DISPENSORY (MMD) – means a location registered under ORS 475.314 where medical marijuana is dispensed to a registry identification cardholder.

MEDICAL MARIJUANA GROW SITE (MMG) - means a location registered under ORS 475.304 where marijuana is grown and processed for use by a registry identification cardholder.

MEDICAL MARIJUANA FACILITY (MMF) - means a location that is growing and/or processing and dispensing Medical Marijuana.

MEDICAL MARIJUANA ACTIVITY (MMA) – means any combination of growing, processing or dispensing Medical Marijuana.

MEDICAL MARIJUANA OVERLAY (MM) – means a designated areas of the City where MMFs, MMGs and MMDs are allowed.

MINOR – means an individual under the age of 18.

PUBLIC PARK – For the purposes of this Chapter a public park is defined as a public area managed for recreation and attended primarily by minors but excluding bike and pedestrian paths or trail systems and staging areas.

REVIEWING AUTHORITY – means the City of Prineville and/or applicable State agency.

SCHOOL - CAREER SCHOOL – means any private proprietary professional, technical, business or other school instruction, organization or person that offers any instruction or training or preparing persons for any profession at a physical location attended primarily by minors.

PRE-SCHOOL – means a school of instruction attended primarily by pre-kindergarten or age level equivalent (ages 2-5).

PRIMARY SCHOOL – (aka elementary school) means a learning institution containing one or any combination of grades kindergarten through 8th grade or age level equivalent.

SECONDARY SCHOOL – means a learning institution containing one or any combination of grades 9 through 12 or age level equivalent and includes those institutions that provide junior high schools which include 9th grade.

FINDING 3: Some of these definitions are found in state law and others like Medical Marijuana Facilities and Medical Marijuana Activities were created for the purpose of writing this code. The term “Medical Marijuana Facilities” in particular has been used in different context and can get confusing. The issue of what constitutes a “park” was brought up after the planning Commission hearing. The public park definition is a definition that staff has added for this hearing, it was not discussed at the Planning Commission. There are two concerns for the workability of the code. First, there is an area near the Baldwin Industrial park owned by Crook County that could potentially be viewed as a park because of the trail systems being built. The emphasis of this code is to concentrate this use on industrial lands above the rimrock and not on the valley floor. Treating this area as a park would affect some properties currently mapped in the overlay. Second, when reviewing an expansion of the overlay the City will need to clearly define a park, as there can be multiple opinions on the subject.

153A.004 – STANDARDS FOR MEDICAL MARIJUANA ACTIVITIES

The following standards are in addition to laws and regulations set forth by the State of Oregon.

A. License/Registration.

1. An applicant shall provide proof of being registered with the State in accordance with the Medical Marijuana Act and as stated in ORS 475.300 – 475.346 as amended.

2. An applicant shall obtain a license from the City of Prineville as applicable.

FINDING 4: Requiring proof of a state license as part of the approval process ensures that an applicant is following the state regulations. A city license may be required separately if such a license is created or a business license in general is created.

B. Location.

1. A MMA shall be located within the approved MM overlay.

2. A MMA shall not be mobile.

3. A MMD shall not be located at the same address as a MMG.

4. A MMD shall not be located within 1000ft. of another MMD.

5. A MMA shall not be located:

a. Within 1,000 feet of the real property comprising a:

1. Public or private preschool, elementary, secondary or career school attended primarily by minors; or,

2. Licensed daycare center; or

3. County Court House or City Hall; or

4. Public library; or,

5. Public park; except industrially zoned properties above the rimrock

FINDING 5: State law requires a 1000 ft. buffer from schools and between dispensaries. It also does not allow dispensaries to be located at the same address as a grow operation.

To meet the purpose of limiting the exposure of this industry to minors, the City has also included the County Court House, City Hall, public library, public parks and licensed daycares within the 1000 ft. buffer. The Court house and City Hall have large open spaces where minors can and do congregate.

The City is further restricting the location of marijuana activities to an overlay zone proposed in the south western most portion of the City, commonly referred to as “the hill”, “Grade” or “above the rimrock” (see overlay map). The location of the overlay zone serves multiple purposes. First, this location seeks to balance the impact of this new industry by placing it only on currently industrially zoned property that is physically separated from the core of the City. This separation provides a natural buffer from minors and residential property and some surety to an applicant that no schools, parks or daycares will be within 1000 ft. of their business. Second, this location has adequate infrastructure with regard to power, water and sewer to sustain what could be large grow operations. Finally concentrating the activities to one area reduces staff time when determining a legal location and enforcing regulations at the City and State level.

The exception after “Public Park” was added by staff for this hearing, it was not discussed at the Planning Commission. With the emphasis on the area above the rimrock being the preferred site for this type of activity, staff feels it is necessary to further isolate it from the

effects of the proposed buffers. This exception along with the Park definition should provide reasonable surety that are initial overlay map above the rimrock will not be affected by the proposed buffers.

C. Operation.

- 1. Marijuana plants and products shall not be visible to the public other than within the facility itself.**
- 2. Marijuana products shall not be sold through a drive through window.**
- 3. There shall be no burning of plant waste. Plant waste may be composted or disposed of at the County landfill with the County's approval.**

FINDING 6: First, keeping marijuana plants and products from public view is consistent with minimizing the impacts to the community and minors. It also aids in the security of the business by not advertising the amount of product available. Second, selling marijuana products through a drive through window would bring a more visible aspect to the business and therefore to minors. It may also promote illegal activity that is difficult to enforce. Finally, the City is already having issues with air quality and does not need to add to the problem by allowing this industry to burn its plant waste. Composting is an option and the County landfill may be an option.

D. Overlay Zone.

1. The adoption of Chapter 153A includes adoption of the MM overlay zone map attached to this code.

2. The MM overlay zone is in addition to any requirements of the underlying city zone and shall not be interpreted to supersede any city code or ordinance.

3. Annexation of property within the Urban Growth Boundary (UGB) does not automatically include the property within the MM Overlay. As part of the annexation process the City Council with a recommendation from the Planning Commission shall make the determination on whether to include the property in the MM overlay using the same criteria listed above in section (B) and the criteria below in section (D)(4).

4. Approval of additional area or areas within the MM overlay other than through an annexation process requires a zone change which places the overlay upon a property. The Zone Change process shall be in accordance with this Chapter and requirements found in the City Land Use Code Chapter 153. Requests for additional areas within the MM overlay is at the discretion of the City Council, based on the criteria above in section (B) and the following:

a. Shall ensure the health, safety and welfare of minors. The intent is to minimize the exposure of marijuana to minors.

b. Shall only be located within commercial or industrial zones.

c. Shall not be located on a commercially or industrially zoned property whose property line is 100ft. from a residential zone or property line of a residential use.

d. Access to the property shall not be primarily through a residential neighborhood, except for arterial or major collector streets.

e. Overlay areas may be restricted to a specific type of use such as a dispensary only or grow operation only.

FINDING 7: With the complexity of locating Medical Marijuana activities on the valley floor due to potential incompatible uses such as residences and required and desired buffers from other types of uses. The City has created an overlay zone with the potential to expand if a property can be shown to meet certain criteria. Through the annexation process the City Council may include a property within the overlay without a zone change process; however, the property shall meet the criteria of this chapter. The purpose of this is primarily for properties on the grade that are currently within the UGB but not in City limits and therefore cannot be included in the overlay at this time.

To include a property, an applicant must first demonstrate how the location will ensure the health, safety and welfare of minors. This statement is intended to be broad in order to include other activities not included in the buffer areas; that Council may determine to be just as important buffer. Second the property shall only be in commercial or industrial zoned property. Third, within those zones a buffer of 100ft. is required from a residential zone or property line of a residential use. The purpose of the buffer is to further isolate these uses within the commercial and industrial zones and away from minors. A 100ft. buffer was chosen because it is also the standard notice requirement for any commercial use. Logically, if over 100 ft. is adequate not to receive a notice for any use, then it should create a reasonable buffer. The fourth criteria is again looking out for residential areas by ensuring that the primary access to a commercial or industrial property is not through a residential neighborhood. This type of criteria is not unique to this type of use and is found in other parts of the City's zoning code; such as RV parks and multifamily dwelling complexes. Finally, the City may decide that only a specific type of activity is appropriate at a location and limit the inclusion into the overlay to that activity. The purpose of this is to not exclude a proposal for activities an applicant does not intend to pursue.

153A.006 – APPLICATION PROCESS

A. Applications shall only be processed for properties within the City approved overlay zone.

B. Applications for Medical Marijuana Activities shall be processed as a Type 1 conditional use as defined in Chapter 153. Application fees shall be consistent with the City's fee schedule for the type of application; such as a change of use or new construction.

C. Notice shall be given to owners of record of property as shown on the most recent property tax assessment rolls of property with 200ft. of property that is subject of the notice.

D. The underlying zone criteria shall govern the construction of any new structures within the overlay zone, however the use of that structure as an MMA shall also meet the criteria of this chapter. Applications for new construction and use may be combined into one application with the fee being the greater of the two.

FINDING 8: The application process will function the same as any other application in the City. Applications will be processed as a Type 1 conditional use. This allows administrative review with the opportunity for a hearing if one or more objections are received. It also allows the conditional use criteria to be utilized by staff to mitigate objections without a hearings process.

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City Council Staff Report

The 100ft. buffer described in Finding 7 essentially expands the influence of a residential zone or use. Therefore the notice distance has been increased to 200ft. in order to capture the properties that would have gotten notice without the 100ft. buffer.

The underlying zone will still govern all new construction within the overlay. If the intent is to use the structure as an MMA the City should be notified at the time of construction. In that way the City can approve both the structure and the use at the same time. This would ensure that the location meets the requirements of this chapter prior to construction and secure the location as an MMA in the event someone else is approved for a use that may prevent an MMA.

Conclusions

The Planning Commission made a formal recommendation to the City Council to approve the proposed amendments.

City planning staff has made some additions to the proposed code, which are highlighted that were not a part of the Planning Commission's recommendation. The City Planning staff believes forgoing code is a balanced and reasonable approach to allow this new industry to operate within the City should the Council decide to move forward with allowing this activity.

EXHIBITS

Medical Marijuana Overlay Map

PLEASE NOTE: IT IS VERY IMPORTANT THAT THE WORDING OF A MOTION FOR DECIDING ON A LAND USE APPLICATION BE STATED AS PROVIDED BELOW, PRIMARILY TO ENSURE THAT THE STAFF REPORT AND PUBLIC RECORD ARE INCORPORATED INTO THE DECISION AS PART OF THE FINDINGS OF FACT.


MOTION IN FAVOR

*The Staff Report and record of tonight's proceedings are hereby incorporated as Findings of Fact in Favor of this Amendment. . I Move that the application be **APPROVED**, subject to the Conditions of Approval as they have been finalized, and based upon the Findings of Fact in favor of the application.*

MOTION IN OPPOSITION

*The Staff Report and record of tonight's proceedings are hereby incorporated as Findings of Fact in Opposition to this Amendment I Move that the request be **DENIED** based upon Findings of Fact in opposition to the application.*

Date this 5th day of March 2015



Joshua Smith, Senior Planner



City of Prineville
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
STAFF REPORT

Prineville City Council Staff Report

Date: March 4, 2015
File No.: AM-2015-100
Applicant/Owner: City of Prineville
Notice to DLCD: 1/27/2015
Newspaper Notice: Planning Commission Notice – 2/20/15
City Council Notice – 2/27/15 and 3/13/15
Public Hearing: Planning Commission - 3/3/15
City Council hearing – 3/10/15 and 3/24/15
Staff: Phil Stenbeck, Planning Director

Background: In 2014, the Prineville City Council implemented a Moratorium in accordance with Senate Bill 1531. The moratorium which allows the City one year to study and develop land use regulations consistent with the Oregon Medical Marijuana Act (OMMA) is set to expire on May 1, 2015. The City Council directed Planning staff to work with the Planning Commission on developing land use regulation recommendations for implementing SB 1531 (the Oregon Medical Marijuana Act).

The process this far has included a work shop with the City Council on the OMMA, two workshops with the Planning Commission and a Planning Commission hearing.

The Planning Commission voted unanimously in favor of the Comprehensive Plan and Land Use Code amendments with one exception. The exception being, the Planning Commission voted 5 to 1 in favor of deleting Policy G on page 8 which tied the proposed amendments to changes of law at the Federal level. In other words, the Planning Commission recommends allowing medical marijuana activities in Prineville to be guided by the proposed amendments to the Comprehensive Plan and Land Use Code.

Proposal: The City of Prineville proposes through the legislative amendment process to add language to the City's Comprehensive Plan which is consistent with the recently approved Oregon Medical Marijuana Act, Oregon Revised Statute 475 and the City of Prineville Land Use Code Chapter 153A.

The following includes findings and other information which support adding the language which is **enlarged and bolded and underlined** to the City of Prineville Comprehensive Plan in the Commercial Zone Values and Policies (Page 32), the Industrial Zone Values and Policies (Page 34), and the Growth Management Community Values and Policies (Page 34) sections.

City of Prineville Comprehensive Plan

Commercial Zone Values and Policies (Page 32)

Introduction: The State of Oregon passed Senate Bill 1531 in 2014. Senate Bill 1531, codified as Oregon Revised Statute 475.300 to 475.346, is known as the Oregon Medical Marijuana Act (OMMA). The City of Prineville finds that:

Finding 1: The City of Prineville finds 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;

Finding 2: The City of Prineville finds 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;

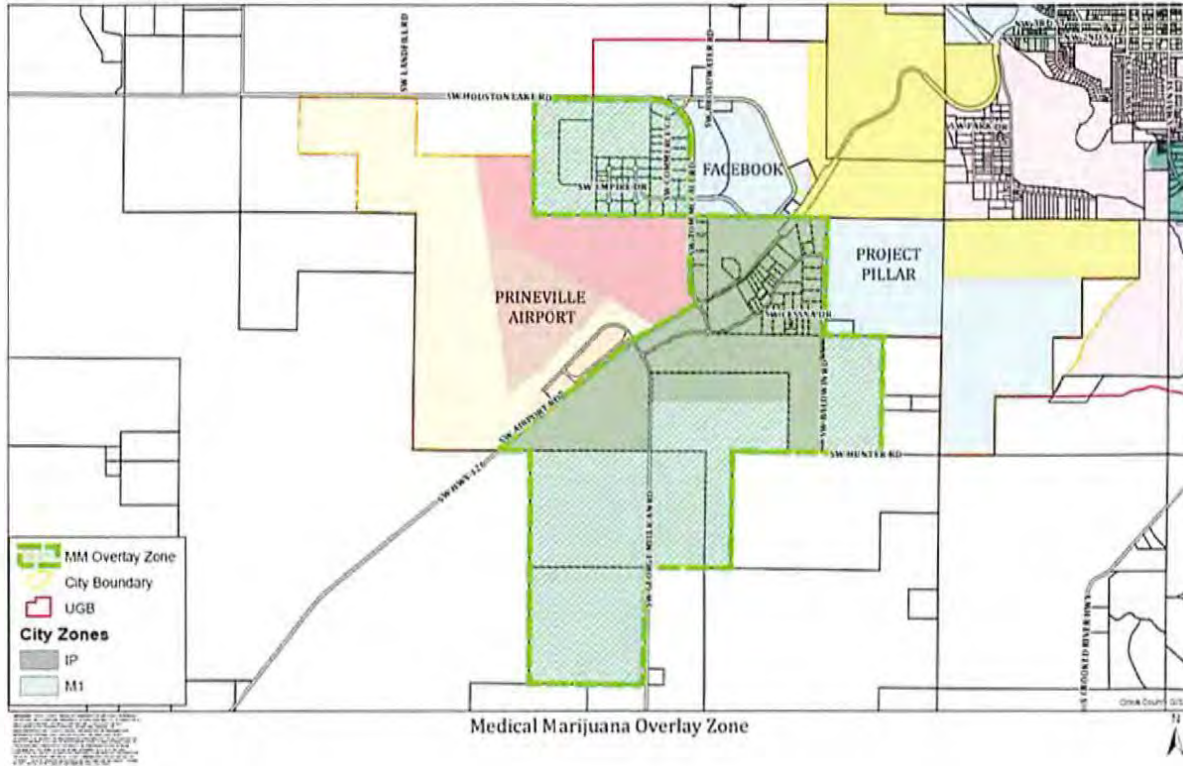
Finding 3: The City of Prineville finds ORS 475.300 to 475.346 are intended to allow Oregonians with debilitating medical conditions who may benefit from the medical use of marijuana to be able to discuss freely with their doctors the possible risks and benefits of medical marijuana use and to have the benefit of their doctor's professional advice; and

Finding 4: The City of Prineville finds ORS 475.300 to 475.346 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. [1999 c.4 §2]

Finding 5: Due to the infrastructure needs and hazards associated with the growing, processing and selling of Medical Marijuana, including the fire hazard potential associated with using large amounts of electricity and the explosion hazard associated with deriving oils and other products from Marijuana; the City of Prineville finds that in the interest of the public's health, safety and welfare that the suitable zoning for Medical Marijuana Grow Sites and Facilities is in the City's Industrial or Commercial zones. Selection of a location shall also require compliance with the Oregon Medical Marijuana Act, ORS 475, and Chapter 153A of the City of Prineville Land Use Code.

Finding 6: The City of Prineville finds that it is appropriate to have all Medical Marijuana Grow Site, Processing or Dispensing land use approvals to also be licensed by the State of Oregon.

Finding 7: The City of Prineville finds that the map identifying the Medical Marijuana Overlay found in Chapter 153A, and also found on the next page, is an appropriate area for growing, manufacturing and dispensing of Medical Marijuana. The Medical Marijuana Grow Site, Processing or Dispensing land use process in the Medical Marijuana Overlay shall be a Type 1 Conditional Use Permit in accordance with the City of Prineville land Use Code Chapter 153 and Chapter 153A.



Definitions added to the Comprehensive Plan:

“Marijuana Grow Site” (MG) means a location registered by the State of Oregon where marijuana is produced and/or processed for more than one State of Oregon registry identification card holder.

“Marijuana Facility” (MF) means a location registered by the State of Oregon, where marijuana is processed or dispensed.

Policies added to the Comprehensive Plan:

A) Marijuana Facilities (MF) may be allowed in Commercial Zones through the application of Marijuana Overlay and process found in the City of Prineville Land Use Code Chapters 153 and 153A.

B) Marijuana Grow Sites (MG) may be allowed in Commercial Zones through the application of the Marijuana Overlay and permit process found in the City of Prineville Land Use Code Chapters 153 and 153A.

City of Prineville Comprehensive Plan
Industrial Zone Values and Policies (Page 34)

Introduction: The State of Oregon passed Senate Bill 1531 in 2014. Senate Bill 1531, codified as Oregon Revised Statute 475.300 to 475.346, is known as the Oregon Medical Marijuana Act (OMMA). The City of Prineville finds that:

Finding 1: The City of Prineville finds 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;

Finding 2: The City of Prineville finds 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;

Finding 3: The City of Prineville finds ORS 475.300 to 475.346 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 doctor's professional advice; and

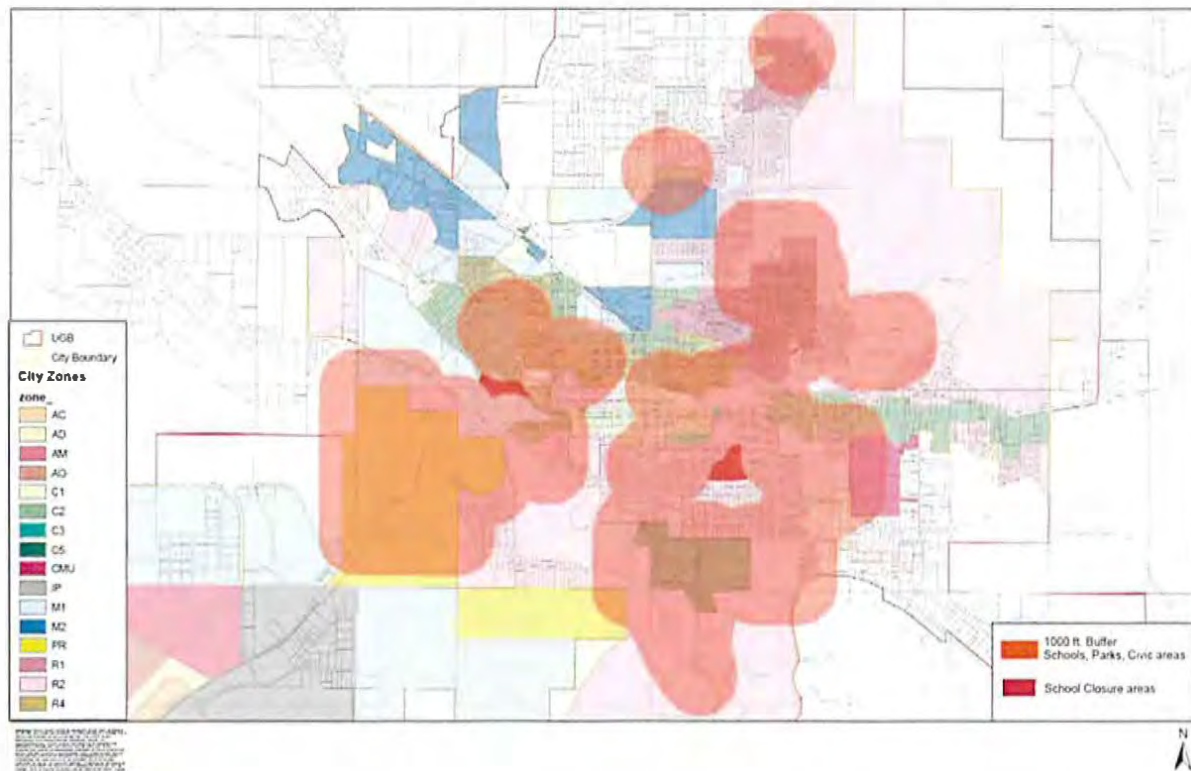
Finding 4: The City of Prineville finds ORS 475.300 to 475.346 are intended to make only those changes to existing Oregon laws that are necessary to protect patients and their doctors from criminal and civil penalties, and are not intended to change current civil and criminal laws governing the use of marijuana for nonmedical purposes. [1999 c.4 §2]

Finding 5: Due to the infrastructure needs and hazards associated with the growing, processing and selling of Medical Marijuana, including the fire hazard potential associated with using large amounts of electricity and the explosion hazard associated with deriving oils and other products from Marijuana; the City of Prineville finds that in the interest of the public's health, safety and welfare that the suitable zoning for Medical Marijuana Grow Sites and Facilities is in the City's Industrial or Commercial zones. Selection of a location

shall also require compliance with the Oregon Medical Marijuana Act, ORS 475, and Chapter 153A of the City of Prineville Land Use Code.

Finding 6: The City of Prineville finds that it is appropriate to have all Medical Marijuana Grow Site, Processing or Dispensing land use approvals to also be licensed by the State of Oregon.

Finding 7: The City of Prineville finds that the map identifying the Medical Marijuana Overlay found in Chapter 153A, and also found in the findings for Commercial Zone Values and Policies in this staff report, is an appropriate area for growing, manufacturing and dispensing of Medical Marijuana. The Medical Marijuana Grow Site, Processing or Dispensing land use process in the Medical Marijuana Overlay shall be a Type 1 Conditional Use Permit in accordance with the City of Prineville land Use Code Chapter 153 and Chapter 153A. The following map shows the areas within the City of Prineville Commercial, Mixed Use and Industrial Zoned areas which in 2015 were determined to be eliminated from consideration of a Medical Marijuana Overlay or land use approval based on requirements found in the Oregon Medical Marijuana Act, ORS 475 and the City of Prineville Land Use Code Chapter 153A. The map below is anticipated to change over time as schools and other facilities change locations or a request for a Medical Marijuana Overlay is requested.



Definitions added to the Comprehensive Plan:

“Marijuana Grow Site” (MG) means a location registered by the State of Oregon where marijuana is produced and/or processed for more than one State of Oregon registry identification card holder.

“Marijuana Facility” (MF) means a location registered by the State of Oregon, where marijuana is processed or dispensed.

Policies added to the Comprehensive Plan:

C) Marijuana Facilities (MF) may be allowed in Industrial Zones through the application of the Marijuana Overlay and permit process found in the City of Prineville Land Use Code Chapters 153 and 153A.

D) Marijuana Grow Sites (MG) may be allowed in Industrial Zones through the application of the Marijuana Overlay and permit process found in the City of Prineville Land Use Code Chapters 153 and 153A.

City of Prineville Comprehensive Plan

Growth Management Community Values and Policies (Page 34)

Introduction: The State of Oregon passed Senate Bill 1531 in 2014. Senate Bill 1531, codified as Oregon Revised Statute 475.300 to 475.346, is known as the Oregon Medical Marijuana Act (OMMA). The City of Prineville finds that:

Finding 1: The City of Prineville finds 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;

Finding 2: The City of Prineville finds 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;

Finding 3: The City of Prineville finds ORS 475.300 to 475.346 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 doctor's professional advice; and

Finding 4: The City of Prineville finds ORS 475.300 to 475.346 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. [1999 c.4 §2]

Definitions added to the Comprehensive Plan:

"Marijuana Grow Site" (MG) means a location registered by the State of Oregon where marijuana is produced and/or processed for more than one State of Oregon registry identification card holder.

"Marijuana Facility" (MF) means a location registered by the State of Oregon, where marijuana is processed or dispensed.

Policies added to the Comprehensive Plan:

E) Marijuana Facilities (MF) may be allowed in Industrial or Commercial Zones through the application of the Marijuana Overlay's and permit process found in the City of Prineville Land Use Code Chapter 153 and 153A. Approval of the Marijuana Overlay's found in the City of Prineville Land Use Code for a Marijuana Facility shall be required to:

- 1) be consistent with the Comprehensive Plan;**
- 2) be suitable for the MF in accordance with the Prineville Land Use Code;**
- 3) be considerate of the public health, safety, and welfare;**
- 4) be licensed by the State of Oregon.**

F) Marijuana Grow Sites (MG) may be allowed in Industrial or Commercial Zones through the application of the Marijuana Overlay's and permit process found in the City of Prineville Land Use Code Chapter 153 and. Approval of the Marijuana Overlay's

found in the City of Prineville Land Use Code for a Marijuana Grow Site shall be required to:

- 1) be consistent with the Comprehensive Plan;**
- 2) be suitable for the MG in accordance with the Prineville Land Use Code;**
- 3) be considerate of the public health, safety, and welfare;**
- 4) be licensed by the State of Oregon.**

(Important Note: Planning Commission voted to delete the following policy.)

G) This policy establishes guidance for the siting of medical marijuana grow sites and facilities in the City of Prineville as authorized by State Law and Federal Law. The City of Prineville has developed Comprehensive Plan Policies and Land Use Codes which establish how Oregon’s Medical Marijuana Act is addressed by the City of Prineville. The City of Prineville is positioned to allow medical marijuana grow sites, processing and facilities consistent with the Oregon Medical Marijuana Act in the event that circumstances change pertaining to Marijuana, including but not limited to changes of status at the Federal law level.

Conclusions and Recommendation

If approved, the enlarged, bolded and underlined text would be added to the City’s Comprehensive Plan.

The Planning Commission made a formal recommendation to the City Council to approve the proposed legislative amendments with Policy G being deleted.



Phil Stenbeck, CFM
Planning Director