



City of Prineville
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
STAFF REPORT

Prineville Planning Commission Staff Report

Date: August 16, 2016

File No.: AM-2016-102

Applicant/Owner: City of Prineville

Notice to DLCD: 7/17/2016

Newspaper Notice: Planning Commission Notice – 8/5/16 and 8/12/16.
Council Notice – 8/12/16 and 8/19/16.

Public Hearing: Planning Commission - 8/16/16.
City Council – 8/23/16.

Staff: Phil Stenbeck, Planning Director

Criteria: City of Prineville Land Use Code Chapter 153, Section 153.230 through Section 153.236.

Proposal: The City of Prineville proposes to amend Ordinance 1215 via Ordinance 1222. The proposed amendment would change language in Section 9 of Ordinance 1215 requiring Marijuana to be completely removed from the DEA's Controlled Substance Schedule list (1 through 5) before Recreational Marijuana businesses would be allowed in the City of Prineville.

Background:

Ordinance 1222 flows from discussions with the City Council about Section 9 of Ordinance 1215. Section 9 of Ordinance 1215 requires Marijuana to be removed from the DEA Schedule 1 List of controlled substances prior to Recreational Marijuana businesses being allowed in Prineville. Planning Staff believed the intent of the Ordinance based on the City Council workshop discussions on Marijuana, the Planning Commission public hearings on Marijuana and recommendation to the Council, and City Council public hearings on Ordinance 1215, was directed at allowing Recreational Marijuana businesses in Prineville when it became completely legal at the federal level. Staff believes this type of change to Ordinance 1215 would be a scrivener's error commonly known as a typo if the City Council concurred.

At the City Council meeting where this was discussed, the Council asked staff to do research and provide options for modifying Ordinance 1215 other than what was asked by staff. The

request included an option other than being completely legal at the federal level. Staff did the research and provided the choices to the Council.

What staff believes based on what Oregon law says [ORS 197.015(10)] and a discussion with Department of Land Conservation and Development staff is that the discussion about changing Ordinance 1215 became a land use decision. Amongst other requirements, staff believes a land use decision of this type from Council, by law requires a notice to the Department of Land Conservation and Development and in accordance with the City Land Use Code requires a review and recommendation by the City Planning Commission prior to making a decision.

The City Council directed staff to process the request with the hearing to be continued to the City Council meeting scheduled for August 23, 2016.

Request for Recommendation to the City Council

This evening's Planning Commission public hearing is a request to the Planning Commission to consider a possible change in Ordinance 1215 via Ordinance 1222 which makes Recreational Marijuana businesses legal in Prineville upon complete removal from the DEA's Schedule of Controlled Substance Lists 1, 2, 3, 4 and 5. Currently, City Ordinance 1215 requires removal from the DEA's Schedule 1 Controlled Substance list.

Respectfully submitted,



Phil Stenbeck, CFM
Planning Director

Exhibit A – Ordinance 1215.