

CITY of PRINEVILLE
CHAPTER 153A

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 adjacent properties, schools and other places where children 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 amended. State laws regarding Medical Marijuana at the time this chapter was adopted were 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 153A and the underlying zone criteria in Chapter 153. No growing, processing or dispensing of Medical Marijuana shall be located within the City unless the review authority finds that it satisfies all the requirements of this Chapter and State law.

Medical Marijuana activities established pursuant to this chapter shall not be found in conflict with the provision of this chapter if a conflicting land use (listed in 153A.004) locates within its restricted radius. When such conflict is created the Medical Marijuana activity shall become a legal nonconforming use.

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.

REVIEWING AUTHORITY – means the City of Prineville and/or the Oregon Health Authority.

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.

2. An applicant shall obtain an MM license from the City of Prineville.

B. Location.

1. A Medical Marijuana activity shall be located within the approved MM overlay.

2. A Medical Marijuana activity shall not be mobile.

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

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

3. A Medical Marijuana activity 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. Public library; or,

4. Public park; or,

5. Community recreation facility attended primarily by minors; or

6. Participant sports & recreation facility attended primarily by minors; or,

C. Operation.

1. Marijuana plants and products shall not be visible to the public other than within the facility itself.

2. Plant waste shall not be burned on site. Plant waste may be composted on site or disposed of at the County landfill with the County's approval.

D. Overlay Zone.

1. The adoption of Chapter 153A includes adoption of the MMF 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. This shall be determined as part of the annexation process.

4. Approval of additional area or areas within the MM overlay 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 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 not be located in a residential zone.

c. Shall not be located on a commercially or industrially zoned property adjacent to a residential zone.

d. Overlay areas may be restricted to a specific type of use such as a dispensary, but not growing or processing.

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. The underlying zone criteria shall govern the construction of any new structures within the overlay zone, however the use of that structure for a Medical Marijuana activity 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 – SYSTEM DEVELOPMENT CHARGES (SDC)

System development charges shall be charged in accordance with City Ordinance.

- A. Water & Sewer SDCs are based on size of the water meter and listed specifically in the City's fee schedule.
- B. Traffic SDCs are a more complicated calculation based on a specific use. The City uses the most recent edition of the Institute of Traffic Engineer's (ITE) manual to calculate trip counts for specific uses or a use the proposal is closest too. For guidance purposes only, the City will consider the following categories when calculating trip counts for Medical Marijuana activities.
 - 1. Warehousing, for Marijuana Grow operations.
 - 2. Manufacturing, for processing of Marijuana products.
 - 3. Specialty Retail, for Dispensaries.
- C. Combinations of uses will be calculated individually.
- D. Applicants may also provide their own traffic study completed by a registered traffic engineer.