



City of Prineville
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
STAFF REPORT

Prineville Planning Commission Staff Report

Date: February 24, 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.
Public Hearing: Planning Commission - 3/3/15
Staff: Phil Stenbeck, Planning Director

Proposal: The City of Prineville proposes 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;

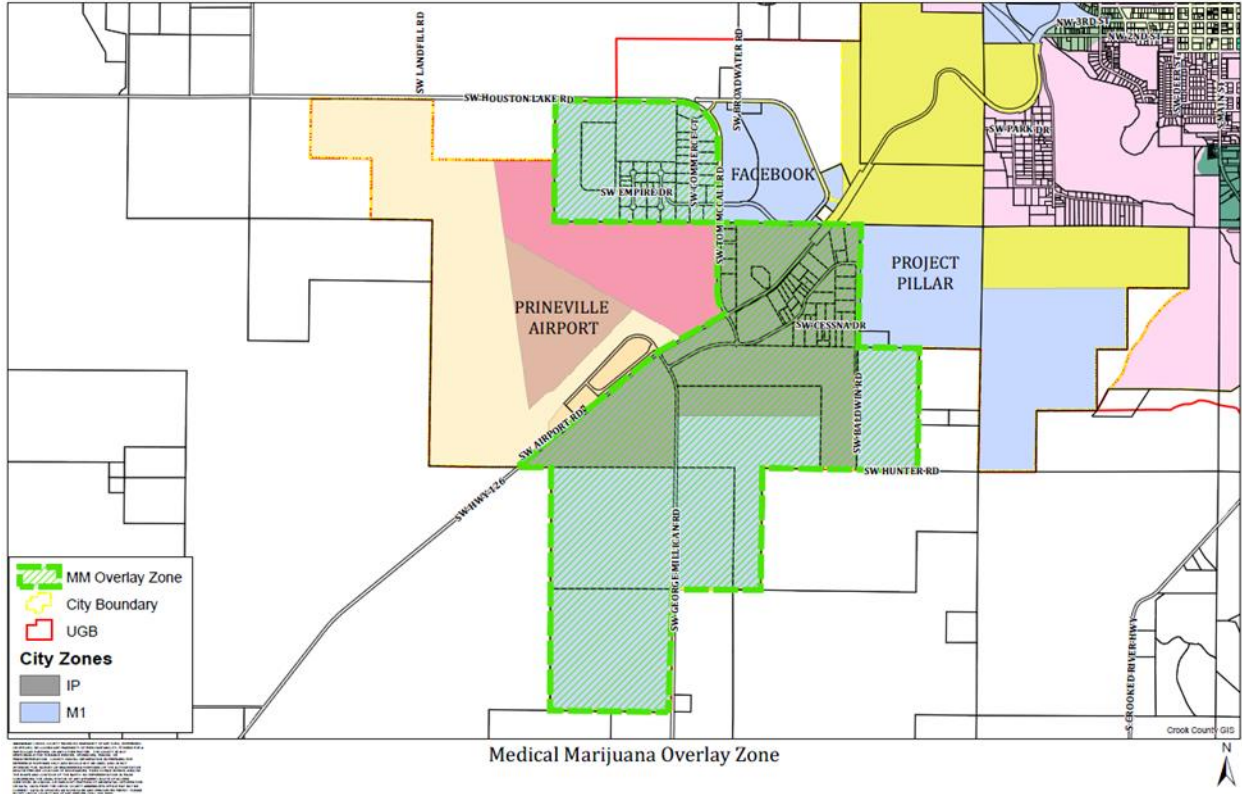
Finding 3: The City of Prineville finds ORS 475.300 to 475.346 are intended to allow Oregonians with debilitating medical conditions who may benefit from the medical use of marijuana to be able to discuss freely with their doctors the possible risks and benefits of medical marijuana use and to have the 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” (MGS) means a location registered by the State of Oregon where marijuana is produced and/or processed.

“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 Type 1 Conditional Use Permit process found in the City of Prineville Land Use Code.

B) Marijuana Grow Sites (MGS) may be allowed in Commercial Zones through the application of the Marijuana Overlay and Type 1 Conditional Use Permit process found in the City of Prineville Land Use Code.

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;

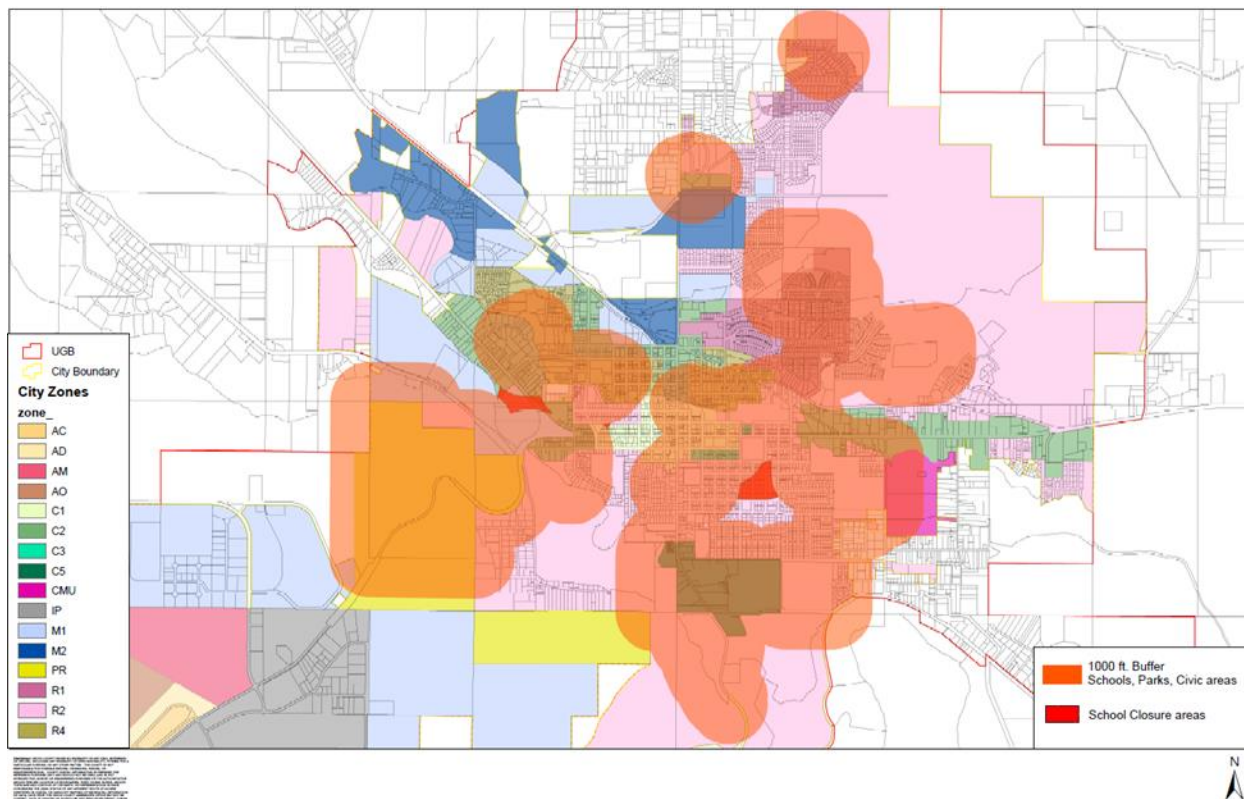
Finding 3: The City of Prineville finds ORS 475.300 to 475.346 are intended to allow Oregonians with debilitating medical conditions who may benefit from the medical use of marijuana to be able to discuss freely with their doctors the possible risks and benefits of medical marijuana use and to have the 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” (MGS) means a location registered by the State of Oregon where marijuana is produced and/or processed.

“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 Type 1 Conditional Use Permit process found in the City of Prineville Land Use Code.

D) Marijuana Grow Sites (MGS) may be allowed in Industrial Zones through the application of the Marijuana Overlay and Type 1 Conditional Use Permit process found in the City of Prineville Land Use Code.

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” (MGS) means a location registered by the State of Oregon where marijuana is produced and/or processed.

“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 found in the City of Prineville Land Use Code Chapter 153A and the Type 1 Conditional Use Permit process found in the City of Prineville Land Use Code Chapter 153. 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 (MGS) may be allowed in Industrial or Commercial Zones through the application of the Marijuana Overlay’s found in the City of Prineville Land Use Code Chapter 153A and the Type 1 Conditional Use Permit process found in the City of Prineville Land Use Code Chapter 153. 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 MGS 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.**

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.

Staff respectfully requests the Planning Commission make a formal recommendation to the City Council.



Phil Stenbeck, CFM
Planning Director