



# City of Prineville

## DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT FINAL DECISION (DENIAL)

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**FIRST HEARING DATE:** July 21<sup>st</sup>, 2015  
**SECOND HEARING DATE:** August 4<sup>th</sup>, 2015  
**THIRD HEARING DATE:** September 1<sup>st</sup>, 2015

**PROJECT NUMBER:** CU-2015-102

**APPLICANT:** Charles Laughlin (Get Some Meds)  
3433 SE 97<sup>th</sup> Pl  
Everett WA 98208

**OWNER:** Terry Sofich

**PROJECT REVIEWER:** Joshua Smith  
Senior Planner

### APPLICABLE CRITERIA:

(1) City of Prineville Code of Ordinances, Title XV – Chapter 153A, & Chapter 153 Sections 153.014, 153.020, 153.062, 153.136.

### FINDINGS OF FACT:

- LOCATION:** The proposed conditional use is located at 1190 NW Lamonta Rd. Map and Tax lot 14-16-31DB 0600.
- ZONING:** The subject property is zoned Light Industrial (M1) and designated Heavy Industrial on the Comprehensive Plan Map.
- SITE DESCRIPTION:** The proposed location is in an existing building previously used as an equipment rental business. The picture below is a 2014 aerial view.



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4. **PROPOSAL:** A change of use from an equipment rental business to a Medical Marijuana Dispensary including clones and nursery supplies such as soils, pots, lights, and nutrients.
5. **LOT OF RECORD:** The property has been determined to be a legal lot based on deed and a recorded boundary line adjustment survey recorded June 16<sup>th</sup> 2004 (CS-2353).
6. **COMMENTS:** Prior to the hearing on July 21<sup>st</sup> verbal comments were received from a neighboring property primarily concerned with security and loitering. At the July 21<sup>st</sup> hearing two citizens spoke. One who operates another dispensary in the City provided testimony in opposition based on his understanding that the City wanted all dispensaries located on the grade in the industrial parks where the existing overlay is designated. He also had concerns about the submitted layout of the facility. The other Citizen had questions about water rates, and whether clones could be grown along with the retail sales of growing equipment. She also stated her desire to have all dispensaries located on the grade in the existing overlay.

**STAFF REPORT FINDINGS SUMMARY:** This application is being processed concurrently with zone amendment application AM-2015-102. This application is contingent upon AM-2015-102 being approved by City Council and adopted by Ordinance. A Medical Marijuana Facility is a Type I conditional use within the Medical Marijuana Overlay Zone. The use of selling marijuana grow supplies including the sale of clones is most closely related to Garden supply or Plant Nursery, which are allowed uses in the M1 zone. The traffic impact of the proposed uses is similar to the previous use of an equipment rental business, therefore; design review improvements are not required. Staff finds that a change of use with similar impacts to the previous use does not warrant significant site improvements above what the applicant is proposing. The growing of clones that are not flowering and less than 12" tall and 12" wide are not considered a grow operation by the State. The applicant has stated that they have no intention of using this location as a grow site. Should the applicant choose to grow on site a separate application for a grow site will be required. All required licensing from the State shall be submitted prior to occupancy. A separate license from the City is not currently available and is therefore not required at this time. The applicant has indicated they can meet all State operational requirements and appears to meet all location requirements of Chapter 153A.

**HEARINGS SUMMARY:** This application was continued by the Planning Commission at the August 4<sup>th</sup> meeting until a decision was made by the City Council on whether to approve the expansion of the overlay zone (Am-2015-102) onto this property or not. Application Am-2015-102 was reviewed by the City Council at a public hearing held on August 25<sup>th</sup>. At the conclusion of that hearing the City Council denied the application on a vote of 6 to 1.

**Criteria: 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.*

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**Finding 1:** This application was being processed concurrently with the zone amendment application AM-2015-102 to expand the Medical Marijuana Overlay zone onto this property. Approval of this application is contingent upon AM-2015-102 being approved by City Council and adopted by Ordinance. With the decision by the City Council to deny application AM-2015-102 at the public hearing on August 25<sup>th</sup>, 2015, this application becomes void because it cannot be approved outside of the overlay zone.

**CONDITION OF DENIAL:** Based on the foregoing Finding, application CU-2015-102 for a change of use to a medical marijuana dispensary and nursery supplies sales is hereby **Denied.**

Marty Bailey: \_\_\_\_\_ Date: \_\_\_\_\_  
Planning Commission Chair