



**City of Prineville**  
**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**  
**STAFF REPORT**

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**Date:** July 7, 2016  
**Ordinance No.:** 1222 – Recreational Marijuana (Second Reading)  
**Applicant/Owner:** City of Prineville  
**Staff:** Phil Stenbeck, Planning Director

**Proposal:** The City of Prineville proposes to amend Ordinance 1215 via Ordinance 1222. The 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. The City of Prineville has adopted changes to the City's Comprehensive Plan and Land Use Code designed to accommodate Recreational Marijuana business requests upon reclassification of Marijuana by the Federal Government.

**Background:** Ordinance 1222 flows from discussions with the City Council about Section 9 of Ordinance 1215. As you may recall, staff asked if Section 9 of Ordinance 1215 accurately reflected the Council's intent when the Council adopted the ordinance. Planning Staff believed the intent of the Ordinance based on the City Council workshop discussions and the Council meeting discussions was to allow Recreational Marijuana 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 contact with the 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 35 day 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.

**Staff request:** With this in mind, staff respectfully requests this hearing be continued to the City Council meeting scheduled for August 23, 2016. This would allow staff time to file the 35 day notice and have the request reviewed by the Planning Commission in accordance with the City Code. Staff will provide a power point presentation at the July 12, 2016 City Council meeting which will quickly review the history of Marijuana discussions by the City Council and have additional information about the staff request above.