

## CITY of PRINEVILLE

## CHAPTER 153B

### MARIJUANA & OVERLAY ZONE

**153AB.001 - PURPOSE**

This Chapter establishes regulations for growing, processing and ~~dispensing-selling~~ of ~~recreational~~ marijuana, here after referred to as "marijuana". State Law has authorized the City of Prineville to allow Marijuana activities, through the voter passed initiative, Measure 91. The purpose of this Chapter is to minimize adverse impacts on the community including but not limited to impacts on traffic, adjacent properties, schools, parks and other places where minors congregate, and other land uses potentially incompatible with such facilities.

**153AB.002 – GENERAL PROVISIONS**

~~The City of Prineville is positioned to allow recreational marijuana dispensaries consistent with Oregon law in the event that possession of marijuana becomes legal at the Federal Level.~~

All marijuana activities shall comply with the provisions of this chapter and Oregon State Law as may be amended from time to time.

Marijuana activities may be allowed, subject to the 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 marijuana shall be located within the City unless the reviewing authority finds that it satisfies all the requirements of this Chapter and State law.

**153AB.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 and those contained in Chapter 153 of the Code of Prineville.

**MARIJUANA DISPENSARY (MD)** – means a location where marijuana is sold to a customer ~~dispensed to more than one person or household.~~

**MARIJUANA GROW SITE (MG)** - means a location that grows and/or processes ~~where~~ marijuana that exceeds the amounts allowed by State law for an individual ~~is grown or grown and processed for more than one person~~ or household

**MARIJUANA FACILITY (MF)** - means a location that is a combination of a MG and a MD ~~growing and/or processing and dispensing marijuana for more than one person or household.~~

**MARIJUANA ACTIVITY (MA)** – means any use of a location for a MG, MD or MF ~~any single use or combination of growing, processing or dispensing marijuana for more than one person or household.~~

**MARIJUANA OVERLAY** – means designated areas of the City where MFs, MGs and MDs are allowed.

**MINOR** – means an individual under the age of 21.

**PUBLIC PARK** – For the purposes of this Chapter a public park is defined as a public area managed for recreation and attended primarily by minors but excluding bike and pedestrian paths or trail systems and staging areas.

**REVIEWING AUTHORITY** – means the City of Prineville and/or applicable State agency.

**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 8<sup>th</sup> 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 9<sup>th</sup> grade.

**153AB.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 and/or licensed with the State.
2. An applicant shall obtain a license from the City of Prineville as applicable.

**B. Location.**

1. A MA shall be located within the approved overlay zone.
2. A MA shall not be mobile.
3. A MD shall not be located within 1000ft. of another MD.
4. A MA may be co-located with a medical marijuana activity so long as the location is in the appropriate overlay zone and meets State Law.
5. A MA 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. County Court House or City Hall; or,
    4. Public library; or,
    5. Public park; except industrially zoned properties above the rimrock

**C. Operation.**

1. Marijuana plants and products shall not be visible to the public other than within the facility itself.
2. Marijuana products shall not be sold through a drive through window.
3. There shall be no burning of plant waste. Plant waste may be composted or disposed of at the County landfill with the County's approval.

**D. Overlay Zone.**

1. The adoption of this Chapter includes adoption of the Marijuana Overlay zone map attached to this code.
2. The Marijuana 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. As part of the annexation process the City Council with a recommendation from the Planning Commission shall make the determination on whether to include the property in the ~~MM-Marijuana~~ Overlay using the same criteria listed in 153AB.004 (B) and ~~(D)-(4)~~.
4. Approval of additional area or areas within the ~~MM-Marijuana~~ Overlay other than through an annexation process 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 Chapter 153 of the Code of Prineville. Requests for additional areas within the ~~MM-Marijuana~~ Overlay is at the discretion of the City Council, based on the criteria above in section (B) 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 only be located within commercial or industrial zones.
  - c. Shall not be located within the C1 downtown commercial zone.
  - d. Shall not be located on a commercially or industrially zoned property whose property line is 100ft. from a residential zone or property line of a residential use.
  - e. Access to the property shall not be primarily through a residential neighborhood except for arterial or major collector streets.
  - f. Overlay areas may be restricted to a specific type of marijuana activity.

**153A.006 – APPLICATION PROCESS**

- A. Applications shall only be processed for properties within the City approved overlay zone.
- B. Application shall be processed by the City's Planning Department.
- C. Applications for marijuana activities within the overlay zone 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.
- D. Notice shall be given to owners of record of property within 200 feet of property that is subject of the notice as shown on the most recent property tax assessment rolls.
- E. The underlying zone criteria shall govern the construction of any new structures within the overlay zone, however the use of that structure as an MA 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 – ENFORCEMENT**

The City's Planning Director and Chief of Police are charged with enforcement of the provisions of this Chapter.

**153A.008 – PENALTY**

Any person or persons who are convicted of violating any provisions of this Chapter shall be fined not more than \$500 for each offense. Each day's violation of this Chapter constitutes a separate offense.