

ORDINANCE NO. 1215

AN ORDINANCE ESTABLISHING REGULATIONS FOR GROWING, PROCESSING, AND SELLING MARIJUANA AND MARIJUANA PRODUCTS AND AMENDING SECTIONS OF THE CITY OF PRINEVILLE URBAN AREA COMPREHENSIVE PLAN

WHEREAS, through voter passed initiative, Measure 91, cities in Oregon are authorized to allow certain marijuana activities; and

WHEREAS, the City of Prineville desires to amend its Urban Area Comprehensive Plan to address issues involving marijuana; and

WHEREAS, the City of Prineville desires to regulate marijuana activities to minimize adverse impacts on the community, including, but not limited to traffic, adjacent properties, schools, parks, and other places where minors congregate, and other land uses potentially incompatible with marijuana activities; and

WHEREAS, because the federal government has classified marijuana as a Schedule 1 drug, the City of Prineville does not want this Ordinance to go into effect until the classification of marijuana by the federal government has been reduced; and

NOW, THEREFORE, the people of the City of Prineville ordain as follows:

1. Definitions: For the purposes of this Ordinance, the following definitions shall be used as well as those listed in State law pertaining to Marijuana and those contained in Chapter 153 of the Code of Prineville.

CITY – means the City of Prineville.

MARIJUANA DISPENSARY (MD) – means a location where marijuana is sold to a customer.

MARIJUANA GROW SITE (MG) - means a location that grows and/or processes marijuana that exceeds the amounts allowed by State law for a household.

MARIJUANA FACILITY (MF) - means a location that is a combination of a MG and a MD.

MARIJUANA ACTIVITY (MA) – means any use of a location for a MG, MD or MF.

MARIJUANA OVERLAY ZONE – 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 Ordinance 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 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.

2. General Provisions: All marijuana activities shall comply with the City’s Comprehensive Plan, the provisions of this Ordinance, 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 Ordinance 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 Ordinance and State law.

3. Standards for 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 as applicable.

B. Location.

1) A MA shall be located within the approved Marijuana Overlay Zone.

2) A MA shall not be mobile.

3) A MD shall not be located within 1,000 feet of another MD.

4) A MA may be co-located with a medical marijuana activity so long as the location is in the appropriate Marijuana Overlay Zone and meets State law.

- comprising of a:
- 5) A MA shall not be located within 1,000 feet of the real property
 - i. Public or private preschool, elementary, secondary or career school attended primarily by minors; or
 - ii. Licensed daycare center; or
 - iii. County Court House or City Hall; or
 - iv. Public library; or
 - v. Public park; except public parks located 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 as allowed by law.

D. Overlay Zone.

- 1) The adoption of this Ordinance includes adoption of the Marijuana Overlay Zone map attached to this Ordinance.
- 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 Marijuana Overlay Zone. 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 Marijuana Overlay Zone using the same criteria listed in 153B.004 (B) and (D)(4).
- 4) Approval of additional area or areas within the Marijuana Overlay Zone other than through an annexation process requires a zone change which places the Marijuana Overlay Zone upon a property. The Zone Change process shall be in accordance with this Ordinance and requirements found in Chapter 153 of the Code of Prineville. Requests for additional areas within the Marijuana Overlay Zone are 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 100 feet or less 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.

4. Application Process.

A. Applications shall only be processed for properties within the City approved Marijuana Overlay Zone.

B. Application shall be processed by the City's Planning Department.

C. Applications for marijuana activities within the Marijuana 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 Marijuana Overlay Zone; however, the use of that structure as an MA shall also meet the criteria of this Ordinance. Applications for new construction and use may be combined into one application with the fee being the greater of the two.

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

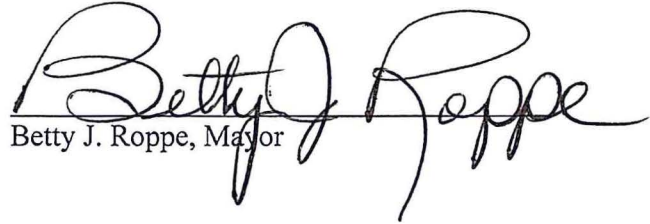
6. Amendment of Comprehensive Plan. The pages of the City of Prineville Urban Area Comprehensive Plan attached hereto as Exhibit A are here by amended to read as shown on Exhibit A.

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

8. Severability. If any provision of this Ordinance or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

9. Effective Date. Section 6 of this Ordinance shall become effective on the 30th day after adoption of this Ordinance. The other sections of this Ordinance shall become effective the day after the federal government reduces the classification of marijuana to less than a Schedule 1 drug.

Dated: June 23rd, 2015


Betty J. Roppe, Mayor

ATTEST:


Lisa Morgan, City Recorder

Chapter 2 Urban Land Uses and Zoning Designations

Purpose and Intent

The Prineville urban area contains land use descriptions and zoning for residential, commercial, and industrial areas. This chapter examines the different zone and land use designations and implementation strategies. The primary designations implement the strategies that regulate the use of land and its ability to support the community's long-term development objectives. The goals, policies and programs contained in this chapter will help the City manage its land uses to meet the growth needs of the Prineville community. It should be noted that the existing Comprehensive Plan Map, also known as the "Prineville Area Physical Development Plan", will need to be updated and various changes made given the age and poor drafting quality. Commensurate with revisions and improvements to the Comprehensive Plan Map, various errors were discovered on the 2006 Zoning Map. These errors and other needed revisions will be needed to improve consistency and compatibility with the revised Comprehensive Map.

Issues, Goals, Policies, and Programs

The anticipated growth of the community will create a variety of pressures upon local citizens, the environment, and infrastructure of Prineville. A variety of land uses and commensurate development regulations will help keep community values intact.

The intent of this chapter focuses on specific land use practices that provide the guidance necessary for accommodating growth while continuing to preserve, maintain, and enhance Prineville's community values.

Definitions

Marijuana Grow Site (MG) - means a location that grows and/or processes marijuana that exceeds the amounts allowed by State law for an individual or household.

Marijuana Facility (MF) - means a location where Marijuana is grown, processed, sold or dispensed or any combination of these activities which is registered by the State of Oregon.

Goal # 1: Create land use zones and land use regulations that enhance Prineville without sacrificing community values

Commercial Zone Values and Policies

- Commercial zones shall be places that provide a wide range of services and goods to citizens in a convenient manner and without creating unnecessary subsidies.
- Commercial areas, nodes, and zones should be located throughout the community to provide convenient shopping, employment, and services to citizens in an efficient manner.

- Commercial zones must include outright permitted and conditional uses adequate to fully support the needs of the Prineville community.
- Commercial zone regulations should be flexible and include incentives to attract businesses to create a self-supporting community and competitive business environment.
- Commercial zones should provide adequate opportunities to locate and operate businesses so Prineville can be as self-sufficient as possible without requiring citizens to make excessive vehicle trips to other communities.
- Commercial zones should receive high priority for improved infrastructure and other government capital improvement programs.
- The downtown business commercial core area is a key feature of Prineville and should be enhanced to provide a draw for all citizens and visitors alike. Convenient and plentiful transportation and parking opportunities are necessary for the success of the downtown area.
- Commercial areas should provide not only service and shopping opportunities but adequate supplies of employment opportunities.
- Commercial projects that contain quality architecture, reflective of the locale and environment, mixed-uses, open spaces, pedestrian amenities, and adequate parking areas shall be required and promoted throughout the community as the city grows.
- Commercial projects that are aesthetically designed to blend in with the environment and are compatible with mixed-uses and residential areas will be encouraged over commercial developments that require large acreages and private parking fields.
- Commercial projects that maximize land spaces and are multi-storied with opportunities for upper-floor and/or offices and housing should be encouraged as a way to utilize valuable lands efficiently.
- Existing strip commercial areas can be unsightly, unsafe, and create excessive vehicle trips. Successful development strategies should include methods for redeveloping and improving the curbside appearance and function of existing strip areas.
- New extensions of commercial strip areas shall be developed only when it can be proven that needed services could not be provided to the community without developing lands at the ends of the exiting strips. Such new extensions shall be designed as centers with shopping streets or lanes instead of direct highway access. Building setbacks in commercial strip areas shall be such as to minimize distances onto sidewalks and streets, thus encouraging safe and easy pedestrian and bicycle access.
- New commercial areas, not at the ends of existing strips shall be designed as commercial nodes or centers to avoid creating new strip areas.

- Commercial areas should allow for service, repair and small manufacturing as a way to preserve industrial parcels in large acreages. Special incentives may be needed to control land prices for these uses.
- New commercial zones should be in areas where commercial and support services are needed and will thrive.
- Marijuana Facilities (MF) may be allowed in Commercial Zones through the application of Marijuana Overlay and process found in the City of Prineville Land Use Code Chapters 153, 153A [and 153B](#).
- Marijuana Grow Sites (MG) may be allowed in Commercial Zones through the application of the Marijuana Overlay and permit process found in the City of Prineville Land Use Code Chapters 153, 153A [and 153B](#).

Industrial Zone Values and Policies

- Industrial areas that are served by adequate community transportation, convenient connections to highway access, workforce housing, water, and sewer, communication, power and gas systems will have a competitive advantage in the Central Oregon Region.
- Industrial zones should provide the greatest density of manufacturing jobs per acre, exclusive of workforce housing, and be located in places that do not disrupt the function of other land uses.
- Industrial zones should provide places for manufacturing, repair, with potential for high concentrations of jobs, products, and services in areas that can be conveniently served by transportation and easily accessed by high numbers of employees.
- Industrial activities should include buffers to protect any nearby neighborhoods and/or workforce housing from the negative effects of industrial activities. Heavy industrial uses should be located away from residential neighborhoods.
- New Industrial zones should be located close to other industrial zones as a way to maximize available infrastructure.
- It is necessary to prioritize capital improvements in industrial areas to attract and retain industrial and manufacturing uses.
- Clean industries are preferred. Industries that produce excessive noxious airborne particulates and non-disposable hazardous waste may not be allowed.
- Industrial zones shall have vegetative buffers to reduce the negative impacts of large, plain buildings, outdoor storage, mechanical equipment, and large parking areas on adjacent less intensive zones or uses.
- Industrial areas that provide a wide choice of parcel sizes including workforce housing options and are highly desirable.

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- Large industrial lots of more than 20 acres in size should be reserved as an enticement for attracting new industry.
 - Small service, repair, and manufacturing industries should be encouraged to locate in commercial areas, if appropriate, as a way to retain large industrial acreages. Special incentives may be needed to offset the difference in land costs.
 - Industrial areas that provide mixed-use opportunities and service uses for employees can reduce excess vehicle trips and community subsidy. They should be encouraged in industrial zones subject to proper siting and regulations that limit standard or non-workforce housing.
 - Larger width streets are appropriate in industrial areas as are employee amenities including public, parks, day care, respite areas, trail connections, and other outdoor recreation opportunities.
 - Incentives that retain and attract industries to Prineville will benefit the community as a whole by improving the employment and population balance and promote overall economic growth.
 - Industrial areas near local airports can enhance commerce and attract compatible aviation activities and industries.
 - Industrial areas near the City Railroad facilities can enhance commerce and attract supportive activities and industries. Industrial uses should be encouraged to use railroad facilities for transportation of heavy freight, thus reducing vehicular traffic on roadways.
 - There are several older industrial zone designations within Prineville that are no longer appropriate due to: abutting development patterns; redevelopment and site changes that have occurred as a result of a declining timber industry; specific locational characteristics that are better suited to mixed-use urban development patterns; and, brownfield redevelopment opportunities. These unique areas should be converted to other uses subject to proper analysis, zone changes, and plan amendments as needed.
 - Conversions of industrial lands to other uses shall only be allowed for development of mixed-use projects. These conversions will only be allowed when the zone change and plan amendment process includes studies, as appropriate, showing that the conversion does not negatively affect the 20 year supply of industrial lands.
 - Marijuana Facilities (MF) may be allowed in Industrial Zones through the application of the Marijuana Overlay and permit process found in the City of Prineville Land Use Code Chapters 153, 153A [and 153B](#).
 - Marijuana Grow Sites (MG) may be allowed in Industrial Zones through the application of the Marijuana Overlay and permit process found in the City of Prineville Land Use Code Chapters 153, 153A [and 153B](#).

Goal # 5: Establish growth management tools and other strategies to pace land development with the ability to provide the required services within the community

Growth Management Community Values and Policies

- Prineville will need to utilize various planning strategies to accommodate growth and have a higher success rate for developing as intended and with minimum conflict.
- Properly accommodating future growth assures the community that new development and redevelopment are supported by adequate infrastructure.
- Infrastructure expansions and improvements at the core of the community tend to regulate growth at a pace that the community can accept without reducing service levels for existing residents.
- Capital Improvement Plans that support existing industry, commerce and residential areas before serving new urban lands typically utilize limited public funds in an efficient and practical manner without subsidizing growth.
- Growth models can help predict the intended pattern of growth and provide realistic development guidelines for developers.
- Development must “pay its own way” to reduce community subsidy and minimize the negative effects of growth.
- Limitations on development outside of the City limits will reduce unnecessary “leap frog development” and unanticipated City subsidy.
- Developers must be required to analyze the full impact of proposed development upon infrastructure, schools, parks, natural resources, cultural resources and emergency services before development.
- Marijuana Facilities (MF) and Marijuana Grow Sites (MG) may be allowed in Industrial or Commercial Zones through the application of the Marijuana Overlays and permit process found in the City of Prineville Land Use Code Chapter 153, 153A and 153B. Approval of the Marijuana Overlays found in the City of Prineville Land Use Code shall be required to:
 - be consistent with the Comprehensive Plan;
 - be suitable for the MF and MG in accordance with the Prineville Land Use Code;
 - be considerate of the public health, safety, and welfare;
 - be licensed by the State of Oregon.
- This policy establishes guidance for the siting of Measure 91 (aka Recreational Marijuana) 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 Measure 91 is addressed by the City of Prineville. The City of Prineville is positioned to allow recreational marijuana grow sites, processing and facilities consistent with the Oregon Measure 91 in the event that circumstances change pertaining to Marijuana, including but not limited to changes of status at the Federal law level.