

**ORDINANCE NUMBER 2015-01  
" ZONING ORDINANCE" AMENDMENT**

**“AN ORDINANCE OF THE CITY COUNCIL OF CITY OF JOSEPH, WALLOWA COUNTY,  
OREGON, AMENDING ORDINANCE NUMBER 2009-01, OF THE CITY OF JOSEPH,  
WALLOWA COUNTY, OREGON, ADDING NEW ARTICLE 11 ESTABLISHING RULES FOR  
MARIJUANA FACILITIES; AND DECLARING AN EFFECTIVE DATE”**

WHEREAS, On March 19, 2014, Senate Bill 1531 was signed into law, giving local jurisdictions the ability to adopt regulations governing the operations of medical marijuana facilities; and,

WHEREAS, a periodic amendment of the Land Development Code is necessary to address issues with or to comply with recent State Legislation, to address citizen requests, and to address changing circumstances in the community; and,

WHEREAS, during a Session of the City Council, held on April 2, 2015, the Council directed Staff to proceed with the development and adoption of local regulations governing Medical Marijuana facilities in accordance with Senate Bill 1531; and,

WHEREAS, Measure 91 allows Cities to impose reasonable time, place and manner restrictions on the nuisance aspects of establishments that sell marijuana to consumers. The City Council desires to amend the City of Joseph's Zoning Ordinance to address establishments that sell marijuana to consumers; and,

WHEREAS, after proper public notice, the City Council has conducted the required Public Hearing to review these amendments and recommends that the proposed amendments be adopted by the City Council of the City of Joseph, Wallowa County, Oregon; and,

WHEREAS, the City Council of the City of Joseph, Wallowa County, Oregon, has conducted the required Public Hearings to consider the proposed amendments and finds that they would be in the best interests of the community; and,

WHEREAS, the Zoning Ordinance, as adopted by Ordinance Number 2009-01, is proposed to be amended to include the following provisions.

THE CITY OF JOSEPH ORDAINS AS FOLLOWS:

SECTION 1. The Zoning Ordinance, as adopted by Ordinance Number 2009-01 shall be and hereby is amended, as provided in Exhibit A of this Ordinance.

READ for the first time in full this 7<sup>th</sup> day of May, 2015 upon the unanimous vote of the members present, after the text of the Ordinance was offered to the members of the Council and the press and public for their use during the meeting.

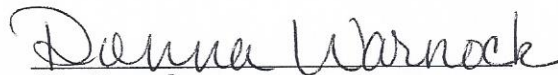
READ for the second time by title only this 4<sup>th</sup> day of June, 2015 upon the unanimous vote of the members present, after the text of the Ordinance was offered to the members of the Council and the press and public for their use during the meeting.

READ for the third time by title only this 25 day of June, 2015 upon the unanimous vote of the members present, after the text of the Ordinance was offered to the members of the Council and the press and public for their use during the meeting.

PASSED AND ADOPTED by the City Council of the City of Joseph, Oregon, and signed by the Mayor of the City of Joseph, Oregon, this 25 day of June, 2015, effective immediately.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder



**EXHIBIT A**

**ARTICLE 11 – MARIJUANA FACILITIES**

**SECTION 11.010 - PURPOSE**

This Article establishes regulations for the siting of medical and recreational marijuana (MRM) facilities as authorized by State Law. The purpose of this Article is to minimize adverse impacts on adjacent properties, schools and other places where children congregate, and other land uses potentially incompatible with such facilities.

**SECTION 11.020 – GENERAL PROVISIONS**

MRM Facilities may be allowed, subject to a Conditional Use Permit pursuant to Article 6 of this Ordinance, in the Commercial Zone (C) and Industrial Zone (I). No MRM facility may be located within the City unless the review authority finds that it satisfies all the requirements of this Code and State law.

MRM facilities legally established pursuant to this Ordinance shall not be found in conflict with the provision of this Ordinance in the event that a conflicting land use locates in the vicinity of a MRM facility subsequent to the MRM facility obtaining land use approval from the City. When such conflict is found to exist, the MRM facility shall be considered a legal nonconforming use and subject to provision set for in Article 5 of this Ordinance.

**SECTION 11.030 – DEFINITIONS INCLUDED BY REFERENCE**

For the purposes of this Article, the following definitions shall be used.

**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.

**MINOR** – means an individual under the age of 18.

**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.

**SECTION 11.040 – STANDARDS FOR MMJ FACILITIES**

A. Location. A MRM facility shall not be located:

1. At the same address as a registered grow site.
2. Within 1,000 feet of the real property comprising a:
  - a) Public or private preschool, elementary, secondary or career school attended primarily by minors; or,
  - b) Public library; or,
  - c) Public park; or,
  - d) Community recreation facility attended primarily by minors; or

- e) Participant sports and recreation facility attended primarily by minors; or,
  - f) Licensed daycare center.
3. Within 1,000 feet of another MRM facility.