

ARTICLE 3.21 – MARIJUANA AND PSILOCYBIN FACILITIES

SECTION 3.21.001 - PURPOSE

This Article establishes regulations for the siting of marijuana and psilocybin facilities as authorized by State law.

However, Ordinance 3228, Series 2015, prohibits the establishment and operation of new medical marijuana processing sites, medical marijuana dispensaries, recreational marijuana producers, recreational marijuana processors, recreational marijuana wholesalers and recreational marijuana retailers. Ordinance 3256, Series 2022, established a ban on psilocybin service centers and the manufacturing of psilocybin products, and during the November 2022, General Election, the voters approved Local Measure 31-108 prohibiting psilocybin-related businesses within the City of La Grande. Until such time as Ordinance 3228, Series 2015, and/or Local Measure 31-108, is repealed, this article shall have no effect within the City.

The purpose of this Article, should Ordinance 3228, Series 2015, and/or Local Measure 31-108, be repealed, is to balance the right of individuals to produce and access marijuana, marijuana-related, psilocybin and psilocybin-related products consistent with State law, and to minimize adverse impacts on adjacent properties, schools and other places where children congregate, and other land uses potentially incompatible with such facilities.

SECTION 3.21.002 – General provisions

Marijuana and Psilocybin Facilities allowed under Article 2.2 of this Code shall be subject to a Conditional Use Permit pursuant to Article 8.5 of this Code. No marijuana or psilocybin facility may be located within the City unless the review authority finds that it satisfies all the requirements of this Code and State law.

Marijuana and psilocybin facilities legally established pursuant to this Code shall not be found in conflict with the provisions of this Code in the event that a conflicting land use locates in the vicinity of a marijuana or psilocybin facility subsequent to the marijuana or psilocybin facility obtaining land use approval from the City. When such conflict is found to exist, the marijuana or psilocybin facility shall be considered a legal nonconforming use and subject to provisions set forth in Article 3.16 of this Code.

SECTION 3.21.003 – 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.

MANUFACTURING OF PSILOCYBIN PRODUCTS – means the manufacture, planting, cultivation, growing, harvesting, production, preparation, propagation, compounding, conversion or processing of a psilocybin product, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the psilocybin product or labeling or relabeling of its container.

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 8th grade or age level equivalent.

PSILOCYBIN SERVICE CENTERS – means an establishment defined under ORS 475A.220 which provides psilocybin services to clients before, during, and after the client's consumption of a psilocybin product, and may include preparation, administration and integration sessions.

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.

SECTION 3.21.004 – STANDARDS FOR MARIJUANA FACILITIES, PSILOCYBIN SERVICE CENTERS AND THE MANUFACTURING OF PSILOCYBIN PRODUCTS

- A. Location. A marijuana facility, psilocybin service center and the manufacturing of psilocybin products, measured from the real property boundary on which the facility is sited, shall not be located:
1. 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 transit center; or,
 - d. Public park; or,
 - e. Community recreation facility attended primarily by minors; or
 - f. Participant sports and recreation facility attended primarily by minors; or,
 - g. Licensed daycare center.
 2. Within 1,000 feet of the real property boundary comprising a marijuana facility, psilocybin service center and/or business engaged in the manufacturing of psilocybin products.
- B. Residential Uses. A marijuana facility, psilocybin service center and the manufacturing of psilocybin products shall not be located on a property with a residence or a mixed-use property that includes a residence, including a caretaker's residence.
- C. Hours. A marijuana facility, psilocybin service center and the manufacturing of psilocybin products shall not operate between the hours of 8:00 p.m. and 8:00 a.m. Marijuana facilities located within industrial zones with no on-site retail or other patron activity are exempt from this restriction.
- D. Drive-Through. Drive through marijuana and psilocybin facilities are prohibited.
- E. Public View. All doorways, windows and other openings of a marijuana facility, psilocybin service center and the manufacturing of psilocybin products shall be located, covered or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area.
- F. Lighting. Primary entrances, parking lots and exterior walkways shall be clearly illuminated with downward facing security lighting to provide after-dark visibility to employees and patrons. Fixtures shall be designed and located so the light patterns overlap, but do not cast light beyond the property boundaries, except over pedestrian areas within a public right-of-way.
- G. Storage. All storage shall be located within a permanent building and may not be located within a trailer, tent or motor vehicle. Outdoor storage of merchandise, plants, raw materials or other

material associated with the marijuana business, psilocybin service center and the manufacturing of psilocybin products is prohibited.

- H. Odors. The marijuana facility, psilocybin service center and the manufacturing of psilocybin products shall use an air filtration and ventilation system designed to ensure, that marijuana related odors are confined to the premises and are not detectible beyond the property boundaries in which the facility is located.
- I. Secure Disposal. The marijuana facility, psilocybin service center and facilities manufacturing psilocybin products must provide for secure disposal of marijuana and/or psilocybin remnants or by-products; marijuana and/or psilocybin remnants or by-products shall not be placed within the marijuana facility's exterior refuse container.