



For Recording Stamp Only

Deschutes County Board of Commissioners
1300 NW Wall St., Bend, OR 97701-1960
(541) 388-6570 - Fax (541) 385-3202 - www.deschutes.org

MINUTES OF BUSINESS MEETING
DESCHUTES COUNTY BOARD OF COMMISSIONERS
MONDAY, MARCH 21, 2016

Commissioners' Hearing Room - Administration Building - 1300 NW Wall St., Bend

Present were Commissioners Alan Unger, Tammy Baney and Anthony DeBone. County Administrator Tom Anderson and Deputy County Administrator Erik Kropp were out of the office. Also present were Dave Doyle, County Counsel; Nick Lelack, Community Development; and approximately forty other citizens, including representatives of the media.

1. CALL TO ORDER

Chair Alan Unger called the meeting to order at 10:00 a.m.

2. PLEDGE OF ALLEGIANCE

3. CITIZEN INPUT

Steve Davidson said he owns property in downtown Tumalo and hopes to open a family business there that will include bike parking and a kids' play area. Commissioner Baney stated that this is exciting and the community should welcome it as a new opportunity to do something different. Chair Unger asked for the motivation. Mr. Davidson replied that he wants to help improve Tumalo and have a business to run. His family lives there and his children go to school there. *(A copy of his handout is attached for reference.)*

Before the Board was Consideration of Approval of the Consent Agenda.

DEBONE: Move approval.

BANEY: Second.

VOTE: DEBONE: Yes.

BANEY: Yes.

UNGER: Chair votes yes.

Consent Agenda Items

4. Board Signature of Order No. 2016-016, Declaring Surplus and Disposition of Personal Property
5. Board Signature of Document No. 2016-131, Appointing a Successor Trustee; Authorize County Legal Counsel to Sign Document No. 2016-132, a Deed of Reconveyance
6. Board Signature of Document No. 2016-130, a Quitclaim Deed to Remove a Deed Restriction for a Wildland Fire Fuel Reduction Agreement
7. Board Signature of Document No. 2016-191, an Acceptance Deed for a Permanent Easement for the Tetherow Bridge Replacement Project
8. Board Signature of Document No. 2016-193, an Acceptance Deed for a Permanent Easement for the Tetherow Bridge Replacement Project
9. Board Signature of Document No. 2016-194, an Intergovernmental Agreement for Safety Improvements to Cline Falls Highway and Powell Butte Highway
10. Board Signature of Document No. 2016-181, a Right-of-Way License Allowing Town of Tumalo Signage
11. Board Approval of Discretionary Grant Funds to City Club, for \$250

12. Board Signature of Letters regarding the Deschutes River Mitigation and Enhancement Committee:
 - Accepting the Resignation of Matt Schinderman, and Thanking him for his Service
 - Reappointing Patrick Griffiths, Derek Staab and Amy Stuart, through February 28, 2019
13. Board Signature of Letters regarding the Deschutes County Historical Landmarks Commission:
 - Accepting the Resignation of Ray Solley, and Thanking him for his Service
 - Reappointing Christine Horting-Jones, Kelly Madden, Dennis Smidling, Broc Stenman and Rachel Stemach, through March 31, 2020
14. Board Signature of Minutes:
 - Business Meetings of February 29, and March 2 and 9, 2016
 - Work Sessions of March 7 and 9, 2016

ACTION ITEMS

15. **Before the Board was a Public Hearing and Consideration of Signature of Order No. 2016-015, for the Withdrawal of Property from Sun Mountain Special Road District.**

Chair Unger opened the public hearing. Dave Doyle explained that the property now has access to a County road and no longer needs to be within the special road district. To remove it is a formality at this point.

Being no testimony offered, the hearing was closed.

BANEY: Move approval.

DEBONE: Second.

VOTE: BANEY: Yes.

DEBONE: Yes.

UNGER: Chair votes yes.

16. **Before the Board was Consideration of a Staff Update regarding the Marijuana Advisory Committee and Related Marijuana Matters.**

Chair Unger explained this is not a public hearing and public testimony is not appropriate at this time. This is a follow-up from a decision made by the Board about ninety days ago regarding opt out, per SB 3400.

Nick Lelack introduced Mary Orton, who is the facilitator of the MAC, and provided a PowerPoint presentation (*a copy of which is attached for reference*). He said the presentation would be in three parts:

- Overview of how and where we arrived here.
- Where things are now.
- Where do we go from here.

The Board was clear to staff that the opt out was always on the table. They wanted to see what they could do in the meantime to clarify the issues, especially in regard to reasonable regulations and the right to farm law. The legislature was also meeting and could implement changes during the short session.

Any decisions only apply to unincorporated Deschutes County and not properties that are within the jurisdiction of the cities.

The Marijuana Advisory Committee met five times and will be meeting twice more. The idea was to reach consensus on at least some issues. The recommendations are provisional, based on zoning and other issues. Standards being discussed will address both medical and recreational uses. The Planning Commission's work was considered, as well as ordinances adopted by other counties. At this point, none of those are being challenged.

Sales at the retail and wholesale level have been completed, but this also is provisional. Most recommendations were not reached by total consensus. (*He referred to a chart/matrix with the details.*) They are using matrixes for all the specific use standards.

The MAC is discussing production and processing in the EFU zone. They will discuss other zones if time allows.

The Board was asked if there are issues that the MAC has not or may not be able to address that the Board feels are a priority. Some would take significantly more time to address, such as screening/fencing and size of operation, and separation distances and setbacks. The MAC got through lighting and odor issues already.

After the last MAC meeting, the members should submit final reports on issues where there is not consensus. The Board will be able to review these in late April and decide whether to continue the opt out totally, or opt out on some uses. Regulating existing medical marijuana will also be addressed. If this goes to the voters, there will be other steps to take. The Board could opt in and address some issues in whole or in part.

The public needs to know that if the Board opts in, the effective date of the ordinance is in 90 days. However, the Board could adopt it by emergency so it would be effective immediately.

Mary Orton added that the MAC has been diligent and hard-working. There has not been one absence beyond the first meeting. Staff has been great to work with and the committee members have been cooperative.

Commissioner DeBone thanked the MAC and citizens. He feels they are in the right spot, since doing anything at the end of the year would have been a tight choice. He thanked them for their support. The Board had to wait to see what the legislature was going to do, and what other counties are doing, and still need to digest this information.

Commissioner Baney said the MAC is a diverse committee, just like the community. She would like to see 100% consensus, but knows this is not realistic. She wanted a spirited dialogue while considering the Planning Commission's work. She supported the opt out to take the timeline back and have some control over the process.

It is frustrating to some, but these decisions will directly impact many citizens. These decisions will need to stand the test of time. They need to take the time to do the best possible job rather than being told what to do by the State.

She wants to refine some of the priorities. If there is not consensus, they will have to make some hard decisions.

Chair Unger thanked the MAC also for this process. A lot has changed since December, which means they have a better ability to deal with the issues. They get a lot of e-mails and read them all, even if they are not able to respond.

His top 3 priorities are e, g, and k:

- e) Maximum building floor size / Enclosed production only / Indoor-outdoor (including indoor processing)/ Limit the number of licenses / Size limits (production only).
- g) Screening / Fencing / Security / Security cameras / Secure disposal.
- k) Minimum separation / Setbacks / Additional setback / Minimum lot or parcel size.

Commissioner Baney said she has been hearing a lot about water. It is important. However, it is not something the County can regulate. Other agencies will have to be involved in this. The Board and County need to spend time of what they can actually control.

Commissioner DeBone added that he is concerned about watt per square foot or intensity of power usage. He thinks this fits into the permitting and electrical inspection piece. To him, it is not how big the building is, but how it is being used.

Commissioner Baney stated that in terms of water, this is beyond the County. She asked what the land use decision is when referring to electrical.

Commissioner DeBone replied that he wants to understand what is going on, and have a way to measure the scope of what is going on. Commissioner Baney asked if he wants to narrow the size of buildings this way.

Commissioner DeBone said that it is all relative. The existing medicinal grows are already here. He has read OLCC regulations that acknowledge some of these sites. It all goes back to land use.

Commissioner Baney stated that she would like to focus on items e) and k), and also inspections and the responsibilities regarding medical grows. The County does not even have information on where the medical grows are, and are not allowed to get this information or go on site.

Commissioner Baney asked if they should consider a separate business license. She hears about all the revenue being generated, but the County gets none of this; it is received at the retail end, within the cities. So they would have to figure out how to pay for a licensing system or other programs. Mr. Lelack said that the County does not have a licensing program but they could look at developing one.

Chair Unger asked how LUCS (land use compatibility statement) fits in with what the Oregon Health Authority and the OLCC are doing. Perhaps they could use this process to help with some of the confusion. He would like to push the State to require a LUCS to better define some of the issues.

Mr. Lelack stated that HB 3400 specifically says that a LUCS cannot be used for a land use decision in this situation. At what point would the LUCS be approved? Counties are handling this issue differently, and the OHA does not know how to enter the land use world regarding medical marijuana. A lot could come together eventually, but this is the start of the program. OLCC requires annual licenses.

Commissioner Baney noted that there have been some requests for the Board to take action today, but that would be a disservice to the MAC. She has received a lot of e-mails regarding Measure 91 as well. Measure 91 did not talk at all about land use issues. There have been a lot of e-mails relating to how marijuana hurts children and so on. Public Health is working on this, but none of this will change the law. Measure 91 is State law. This is land use. There is a lot of work to do from the health side of many things, but their task is to deal with the land use.

Commissioner DeBone said that early childhood development and the family unit is part of the bigger picture.

The Commissioners said they support the proposed timeline. Commissioner DeBone wants to get to a decision point, or it will go to a vote. He does not want to drag this out. He will be prepared for some clarity by that point.

Mr. Lelack stated that he will get the final information to the Board as soon as possible after the MAC completes its work.

Karen Orton noted that the MAC should come up with decisions or agreement on issues that are provisional, and consensus items as well as non-consensus.

It was decided that there will be a work session on April 27 to go over the final MAC information. This will be held in the large meeting room in case the public wants to observe. There will be a public hearing to listen to concerns and ideas on Monday, May 2, starting at 10 a.m. The afternoon work session will be canceled to allow for enough time for the hearing. The Board will deliberate and make a decision on Wednesday, May 4 as to how to proceed.

CONVENED AS THE GOVERNING BODY OF THE 9-1-1 COUNTY SERVICE DISTRICT

- 17. Before the Board was Consideration of Approval of Weekly Accounts Payable Vouchers for the 9-1-1 County Service District (two weeks) in the Amount of \$81,875.90.**

BANEY: Move approval, subject to review.

DEBONE: Second.

VOTE: BANEY: Yes.

DEBONE: Yes.

UNGER: Chair votes yes.

CONVENED AS THE GOVERNING BODY OF THE EXTENSION/4-H COUNTY SERVICE DISTRICT

- 18. Before the Board was Consideration of Approval of Weekly Accounts Payable Vouchers for the Extension/4-H County Service District (two weeks) in the Amount of \$4,816.18.**

DEBONE: Move approval, subject to review.

BANEY: Second.

VOTE: DEBONE: Yes.

BANEY: Yes.

UNGER: Chair votes yes.

RECONVENED AS THE DESCHUTES COUNTY BOARD OF COMMISSIONERS

- 19. Before the Board was Consideration of Approval of Weekly Accounts Payable Vouchers for Deschutes County (two weeks) in the Amount of \$1,397,706.85.**

David Doyle explained that some of the large expenses were for foreclosures, construction at Knott Landfill and other locations, and EBMS medical insurance payments.

DEBONE: Move approval, subject to review.

BANEY: Second.

VOTE: DEBONE: Yes.
BANNEY: Yes.
UNGER: Chair votes yes.

20. OTHER ITEMS

None were offered.

21. ADJOURN

Being no further discussion, the meeting was adjourned at 10:45 a.m.

DATED this 30th Day of March 2016 for the
Deschutes County Board of Commissioners.

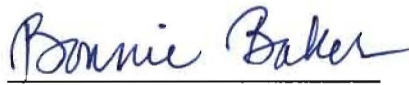


Alan Unger, Chair



Tammy Baney, Vice Chair

ATTEST:



Recording Secretary



Anthony DeBone, Commissioner



BOARD OF COMMISSIONERS' MEETING

REQUEST TO SPEAK

Subject: NEW BUSINESS - FAMILY ORIENTED Date: 3/21/16

Name STEVE DAVIDSON

Address 64682 COOK AVE #7
BEND OR 97703

Phone #s (541) 948-0111

E-mail address tumaloranch@gmail.com

☐

In Favor

☒

Neutral/Undecided →
MOVING TOWARDS

☐

Opposed

Submitting written documents as part of testimony?

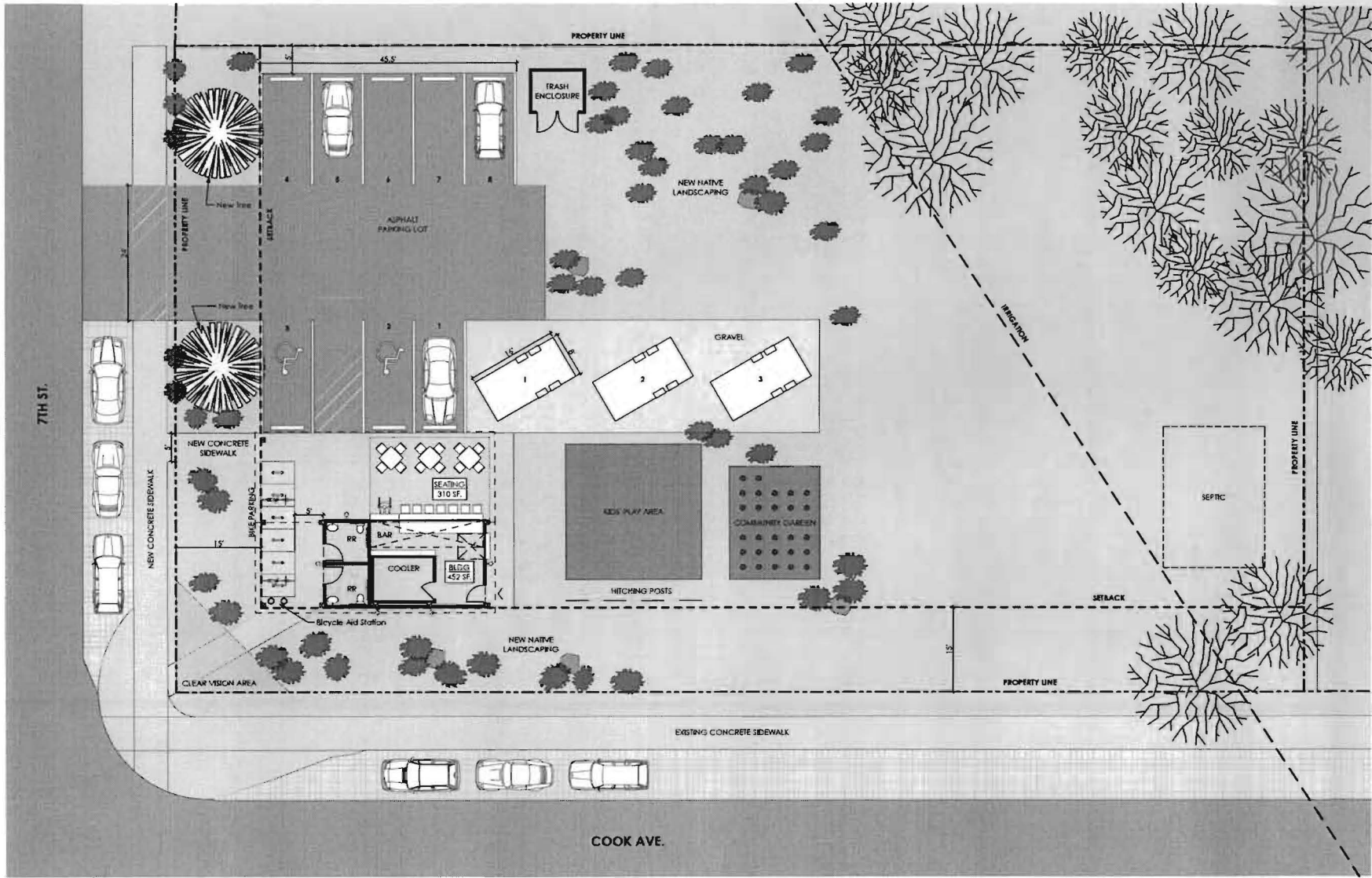
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Yes

☐

No

If so, please give a copy to the Recording Secretary for the record.



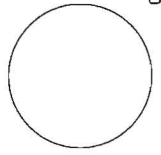
SITE PLAN
SCALE: 1" = 10'

- SITE PLAN GENERAL NOTES**
- A. REFER TO CIVIL DRAWINGS FOR HORIZONTAL CONTROL INFORMATION, DRAINAGE, SLAB AND FINISH ELEVATIONS, PUBLIC WORK IMPROVEMENTS, AND SITE UTILITIES. REFER TO LANDSCAPE DRAWINGS FOR PLANTING AND IRRIGATION DESIGN. REFER TO STRUCTURAL DRAWINGS FOR FOUNDATION AND SLAB DESIGN.
- B. SIDEWALKS AND RAMPS SHALL BE CONSTRUCTED TO THE FOLLOWING REQUIREMENTS:
- MAX. CROSS SLOPE OF SIDEWALKS & LANDINGS: 1:50
 - MAX. SLOPE OF SIDEWALKS: 1:100
 - MAX. SLOPE OF RAMPS: 1:12
 - MAX. SLOPE OF DISABLE PARKING STALLS: 2% IN ANY DIRECTION
 - 2% MAX. SLOPE FOR 5'-0" IN ANY DIRECTION OF TRAVEL AT ALL BUILDING ENTRANCES.
- C. LIMITS OF WORK: THE CONTRACTOR SHALL CONFIN OPERATIONS AT THE SITE TO AREAS PERMITTED BY LAW, ORDINANCES, PERMITS, AND THE CONTRACT DOCUMENTS.
- D. STAGING AREA: THE CONTRACTOR AND SUBCONTRACTORS SHALL LIMIT STORAGE OF MATERIALS AND PORTABLE FIELD OFFICES WITHIN THE AREAS APPROVED BY AHJ.
- E. GENERAL CONTRACTOR SHALL TAKE CARE NOT TO DAMAGE OR DISRUPT EXISTING UTILITIES, INCLUDING DRAINS, WHILE EXCAVATING OR GRADING DURING CONSTRUCTION. CONFIRM LOCATION OF EXISTING UTILITIES OF ADJACENT PROPERTIES.
- F. PRIOR TO START OF WORK THE CONTRACTOR SHALL COORDINATE WITH EACH RESPECTIVE GOVERNING AUTHORITY IN VERIFYING THE LOCATION (INVERT ELEVATIONS, HORIZONTAL CONTROL, EASEMENTS) OF EXISTING SANITARY AND STORM SEWER, WATER, NATURAL GAS, ELECTRICAL, FIBER OPTIC, TELEPHONE, OVERHEAD POWER LINES, AND OTHER UTILITY SYSTEMS, BOTH ONSITE AND OFFSITE. THE CONTRACTOR SHALL COMPARE UTILITY INFORMATION WITH THE CONTRACT DOCUMENTS. IF A CONSTRUCTION CONFLICT IS DISCOVERED BETWEEN THE UTILITY INFORMATION OBTAINED AND THE CONTRACT DOCUMENTS, NOTIFY THE ARCHITECT IMMEDIATELY.
- G. EMERGENCY VEHICLE ACCESS: THE CONTRACTOR SHALL MAINTAIN FIRE TRUCK ACCESS TO THE SITE THROUGHOUT THE CONSTRUCTION PROCESS UNLESS AN ALTERNATE PLAN IS APPROVED BY THE FIRE DEPARTMENT.

- SITE PLAN SYMBOLS**
- ◀ BUILDING ENTRANCE
 - DARK NIGHT COMPLAINT WALL LAMP

STEMACH
DESIGN & ARCHITECTURE
919 NW Bond #214 - Bend, OR 97701
t 541.647.5661 - f 541.749.2464
www.stemachdesign.com

CURRENT REVISION: Δ



TUMALO FOOD TRUCK LOT
7TH STREET AND COOK AVENUE

Date: 3/18/16
Job: #Pn

IF THE OWNER CONTAINS NO DESIGNS FOR
FUNDING, THE OWNER SHALL HAVE THE
FUNDING OR FINANCING APPROVED
BY THE OWNER.

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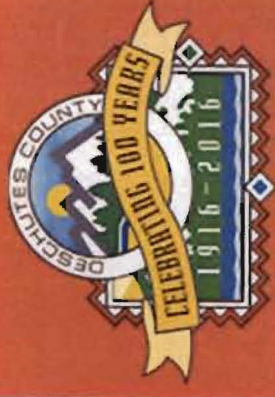
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SITE PLAN

Deschutes County Board of County Commissioners

March 21, 2016
Work Session

Land Use Regulation of Marijuana Related Land Uses
90-Day Check In



BACKGROUND

Oregon law allows possession/consumption of marijuana for medical and adult (21+) recreational use.

- **Oregon Medical Marijuana Program (1998-Measure 67)**

Regulated by Oregon Health Authority (OHA)

- **Recreational Marijuana (2014-Measure 91)**

Regulated by Oregon Liquor Control Commission (OLCC)



BACKGROUND

December 2015

Board of County Commissioners Adopt Ord. 2015-009

Prohibited or “Opted Out” of marijuana related uses in unincorporated Deschutes County including:

Medical Marijuana

- Processing - Products, concentrates, or extracts
- Dispensaries - Selling to a card holder or caregiver

Recreational Marijuana

- Production - Growing
- Processing - Products, concentrates, or extracts
- Retail - Selling to a consumer
- Wholesaling - Selling to person not consumer

BACKGROUND

December 2015

Board expressed:

- **Desire to have more time to assess “right to farm” impacts and to consider reasonable regulations**
- **Intent to form a Marijuana Advisory Committee (MAC)**

BACKGROUND

February 2015

Marijuana Advisory Committee (MAC) Formed

- **13-Member committee comprised of:**
 - Rural Residents
 - Marijuana Industry Representatives
 - Planning Commission Chair
- **Charged with developing and recommending reasonable time, place, and manner land use regulations to mitigate the impacts of medical and recreational marijuana uses – especially production.**
- **Regulations would be necessary if either the Board or county voters rescind the opt-out ordinance.**

MAC SCHEDULE

- Met five consecutive weeks from February 10 to March 9.
- Board authorized two additional meetings for March 31 and April 7.

February	March	April
S M T W T F S	S M T W T F S	S M T W T F S
1 2 3 4 5 6	1 2 3 4 5	1 2
7 8 9 10 11 12 13	6 7 8 9 10 11 12	3 4 5 6 7 8 9
14 15 16 17 18 19 20	13 14 15 16 17 18 19	10 11 12 13 14 15 16
21 22 23 24 25 26 27	20 21 22 23 24 25 26	17 18 19 20 21 22 23
28 29	27 28 29 30 31	24 25 26 27 28 29 30

MAC REVIEW PROCESS

- Consensus process rather than a direct up or down vote.
- Where full consensus is not reached the parties afforded the opportunity to submit a position report on the various points of view.
- Recommendations are "provisional" until work is complete then recommendations will be finalized and submitted to the Board.



MAC REVIEW PROCESS

- Discussed regulatory standards that would be applicable to both recreational and medical marijuana related uses, unless otherwise specified.
- Revisited Planning Commission's recommendations first.
- Reviewed recommendations and ordinances from Clackamas, Lane and Jackson County.



MAC PROGRESS TO DATE

- Completed review of marijuana retail and wholesale.
- Includes provisional recommendations on specific use standards and zones.
 - Zones match those recommended by the Planning Commission
 - Standards addressed include:
 - Waste Disposal
 - Hours of Operation
 - No Minors
 - Odor Control
 - Outdoor Patios
 - Separation Distances
 - No Window Service
 - Co-Location
 - Grandfathering Existing Uses



**MARIJUANA RETAIL AND WHOLESALE
SUMMARY OF ZONES FOR CONSIDERATION TO ALLOW**

	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION		MAC PROVISIONAL RECOMMENDATIONS		
Permitted (P) Conditional Use (CU) Not Allowed (-)						
Zone	Retail	Wholesale (Recreational)	Retail	Wholesale (Recreational)	Retail	Wholesale (Recreational)
		P-office only CU-with storage		Office Only NO storage		Consensus: Office Only
TITLE 18 – Deschutes County						
18.65 RURAL SERVICE CENTER - UC					Consensus	Consensus
18.65.020 Commercial Mixed Use District (Brothers, Hampton, Millican, Whistlestop, Wildhunt)	CU	P	CU	P	CU	P
18.65.021 Commercial Mixed Use (Alfalfa)	CU	P	CU	P	CU	P
18.66 TERREBONNE RURAL COMMUNITY						
18.66.040 Commercial - TeC	P	P/CU	CU	P	CU	P
18.66.050 Commercial Rural - TeCR	P	P/CU	CU	P	CU	P
18.67 TUMALO RURAL COMMUNITY						
18.67.040 Commercial - TuC	P	P/CU	CU	P	CU	P
18.67.060 Industrial - Tul	CU	-	CU	-	CU	-
18.74 RURAL COMMERCIAL						
18.74.020 Deschutes Junction and Deschutes River Woods Store	CU	-	CU	-	CU	-
18.74.025 Spring River	CU	-	CU	-	CU	-
18.74.027 Pine Forest and Rosland	CU	P	CU	P	CU	P
18.100 Rural Industrial	CU	-	CU	-	CU	-
18.108 SUNRIVER UUC						
18.108.050 Commercial - SUC	CU	P	CU	P	CU	P
18.108.055 Town Center - TC	CU	-	CU	-	CU	-
18.108.110 Business Park – SUBP	CU	P/CU	CU	P	CU	P
TITLE 19 – BEND URBAN AREA ZONING ORDINANCE						
No Marijuana Related Businesses Allowed						
TITLE 20 - REDMOND URBAN AREA ZONING ORDINANCE						
No Marijuana Related Businesses Allowed						
TITLE 21 - SISTERS URBAN AREA ZONING ORDINANCE						
No Marijuana Related Businesses Allowed						

MARIJUANA RETAIL (RECREATIONAL AND MEDICAL) SPECIFIC USE STANDARDS FOR CONSIDERATION

Definition originally proposed and recommended by the Planning Commission

"Marijuana retailing" means the sale of marijuana items to a consumer, provided that the marijuana retailer is licensed by the Oregon Liquor Control Commission for recreational marijuana sales or registered with the Oregon Health Authority for medical marijuana sales.

Home Occupation	MAC PROVISIONAL RECOMMENDATIONS	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY ADOPTED	JACKSON COUNTY PC RECOMMENDATION	OLCC (Recreational)	OHA (Medical)
	PROHIBITED (February 17) CONSENSUS Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the licensee. (February 17)	Prohibited <ul style="list-style-type: none">Secure disposal of discarded marijuana items shall be provided.Marijuana items shall not be placed within exterior refuse containers on the subject property.	Prohibited Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the licensee.	Prohibited Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA registrant.	Prohibited No marijuana remnants or by-products shall be placed within the facility's exterior refuse containers.	Store marijuana waste in a secured waste receptacle in the possession of and under the control of the licensee.	
Minimum Separation Distances	CONSENSUS <ul style="list-style-type: none">Require a separation of 1,000 feet from public and private elementary and secondary schools, licensed child care centers (including in-home child care), licensed pre-schools, national monuments and state parks, and all approved/licensed youth activity centers; and require a separation of 1,000 feet between all retail outlets (medical and recreational).A change in use (i.e., a new school) shall not cause a violation of this standard.Separation is to be measured from the lot line of the school. (February 22) NO CONSENSUS Add churches to the list of locations that must be 1,000 feet from a marijuana retail or dispensary operation. (March 2)	<ul style="list-style-type: none">1,000 from public/private elementary schools, licensed child care center, licensed preschool, and marijuana retailers.Change of use (i.e. new school) shall not cause violation of this standard. Distance Calculation: All distances shall be measured from the lot line of the affected property (i.e., a school) to the closest lot line of the property occupied by the marijuana retailer.	<ul style="list-style-type: none">1,000 from public/private elementary and secondary schools, licensed child care center, and all approved/licensed youth activity centers (i.e., Boys & Girls Club) with a 301(c) status or description stating youth activities, excluding in-home child care.Change of use (i.e. new school) shall not cause violation of this standard. Distance Calculation: All distances shall be measured from the lot line of the affected property (i.e. g., a school) to the closest lot line of the property occupied by the marijuana retailer.	<ul style="list-style-type: none">1,000 feet from residentially-zoned property except if street frontage on principal interstate, expressway, etc.2,000 feet from elementary or secondary schools, including property and parking lots1,500 feet from public parks, playgrounds, libraries, government-owned recreational use, licensed treatment center, light rail transit station or multi-family dwelling owned by a public housing authority500 feet from a licensed daycare facility or preschool, including associated property and parking lot1,000 feet for other marijuana retailer of the same type (i.e. g., recreational or medical) other marijuana retailer so licensed by the OLCC.1,000 feet from any other marijuana retailer	Prohibited Shall not be within: <ul style="list-style-type: none">One mile of the Veterans Administration Southern Oregon Rehabilitation Center and Clinics.1,000 feet of the Jackson County Transition Center.250 feet of residentially zoned property within the White City Urban Unincorporated Community Boundary.1,000 feet of a public park, excluding the Bear Creek Greenway.1,000 feet of an Interstate 5[1-3] interchange. The interchange is defined as the bridge structure over 1-3 including all on and off ramp termini.1,000 feet from a public elementary or secondary school.1,000 feet of another marijuana retail sales facility.1,000 feet of another medical marijuana facility. Distance Calculation: For the purposes of determining the distance	<ul style="list-style-type: none">May not be located within 1,000 feet of public/private/parochial elementary or secondary school.Local standard cannot require greater than 1,000 feet from another retail marijuana premises.	<ul style="list-style-type: none">1,000 feet of the retail property comprising a public or private elementary, secondary or career school attended primarily by minors.Must not be located within 1,000 feet of another medical marijuana facility.

MAC PROGRESS TO DATE

- Currently discussing specific use standards for marijuana production and processing in Exclusive Farm Use (EFU) zones.
- If time permits, MAC will discuss where (other zones) and how (specific use standards) marijuana production and processing might be allowed elsewhere.



BOARD DIRECTION

Should any of these remaining standards be prioritized?:

- a) Access**
- b) Fire Protection**
- c) Water**
- d) Temporary Residences**
- e) Maximum Building Floor Size / Enclosed Production Only / Indoor-outdoor (Including Indoor Processing)/ Limit The Number Of Licenses / Size Limits (Production Only)**
- f) Outdoor Storage Prohibited (Processing Only)**

Continued...

BOARD DIRECTION

Should any of these remaining standards be prioritized?:

...

- g) Screening / Fencing / Security / Security Cameras / Secure Disposal**
- h) Processing Method Limitation (Processing Only)**
- i) Minors Prohibited**
- j) Consumption**
- k) Minimum Separation / Setbacks / Minimum Lot Size**
- l) Inspections**

MAC NEXT STEPS

After MAC completes its scheduled meetings, the next steps are:

- **4/15/16** MAC members submit final reports
 (areas of non-consensus)
- **4/20/16** MAC final report issued for Board work session
 packet and website
- **4/27/16** Board work session

BOARD NEXT STEPS

At 4/27/16 work session, staff will seek direction on how to proceed. Options include:

Continue the Opt Out

- 1. Continue opt out moratorium as adopted and refer to voters in November.**
- 2. Decide whether to regulate existing medical marijuana production/grow sites.**

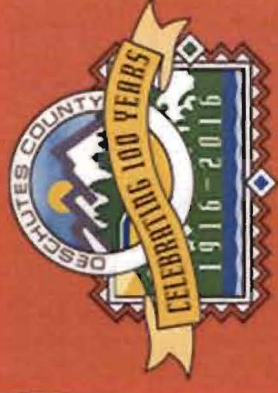
Opt In

- 1. Rescind the Opt Out ordinance for one, some, or all of the six (6) marijuana related uses.**
- 2. Initiate review/adoption process to regulate medical and recreational marijuana uses.**

March 21, 2016 Work Session

Land Use Regulation of Marijuana Related Land Uses
90-Day Check In

For More Information Visit:
www.deschutes.org/marijuana





Deschutes County Board of Commissioners
1300 NW Wall St., Suite 200, Bend, OR 97701-1960
(541) 388-6570 - Fax (541) 385-3202 - www.deschutes.org

AGENDA REQUEST & STAFF REPORT

For Board Business Meeting of March 21, 2016

DATE: March 16, 2016

FROM: David Doyle Legal Department 388-6625

TITLE OF AGENDA ITEM:

Staff Check-In with BOCC re: MAC and related marijuana matters.

PUBLIC HEARING ON THIS DATE? No.

BACKGROUND AND POLICY IMPLICATIONS:

This is the 90-day check in that the BOCC requested at the time of the Opt Out ordinance in December 2015. Since that time the BOCC has appointed a Marijuana Advisory Committee (MAC) comprised of local concerned citizens; the MAC has worked with staff and facilitator Mary Orton. Additionally the Legislature passed SB 1598 which provided amendments to HB 3400 - including a provision regarding right to farm. Staff will provide the BOCC with a menu of options moving forward.

FISCAL IMPLICATIONS:

None

RECOMMENDATION & ACTION REQUESTED:

Receive Check In report; direct further action(s)

ATTENDANCE: Nick Lelack, CDD

DISTRIBUTION OF DOCUMENTS:

Original to BOCC

Copies to CDD, Legal



Community Development Department

Planning, Building Safety, Environmental Soils, Code Enforcement
PO Box 6005, Bend, Oregon 97708-6005
117 NW Lafayette Avenue
www.deschutes.org/cd

STAFF REPORT

TO: Board of County Commissioners

FROM: Nick Lelack, Director
Peter Gutowsky, Planning Manager
Matthew Martin, Associate Planner

DATE: March 16, 2016

SUBJECT: Marijuana Opt Out 90-Day Check-In / Marijuana Advisory Committee Update

I. SUMMARY

On December 21, 2015, the Board of County Commissioners (Board) unanimously approved Ordinance No. 2015-009, banning or “opting out” of marijuana businesses in unincorporated Deschutes County. Commissioners expressed a desire to have more time to assess “right to farm” impacts and to consider reasonable regulations for businesses that grow, process, and sell marijuana. As part of its decision, the Board expressed intent to form a Marijuana Advisory Committee (MAC). In addition, the Board designated a 90-day “check-in” for on or about March 21, 2016 to receive an update on the progress of the MAC, 2016 Legislative Session, and ordinances adopted by other counties.

II. MAC BACKGROUND

On February 3, 2016, the Board appointed a 13-member MAC, charged with developing and recommending reasonable time, place, and manner land use regulations to mitigate the impacts of medical and recreational marijuana uses – especially production. Regulations could address sight, sound, smell, size/scale, location, security, and other impacts associated with marijuana land uses. The regulations would be necessary if either the Board or county voters decide to rescind the opt-out ordinance.

III. MEETING SCHEDULE

The MAC met 5 consecutive weeks beginning February 10. The first two meetings were 3 hours in length. Subsequent meetings were extended to 4 hours to provide additional time, given the subject matter. On March 7, the Board authorized the MAC to hold 2 additional meetings after recognizing the need and interest to continue discussing regulatory concepts. The MAC’s final meetings are scheduled for:

- March 31, 2016 4:00pm - 8:00pm
- April 7, 2016 4:00pm - 8:00pm

IV. RECOMMENDATIONS TO DATE

Similar to staff's original proposal as well as the Planning Commission's recommendation, the MAC has considered regulatory standards that would be applicable to both recreational and medical marijuana related uses, unless otherwise specified. Per the Board's request, the MAC generally has considered the Planning Commission's recommendations first. In addition, the MAC has reviewed Clackamas and Lane County's adopted ordinances and Jackson County's Planning Commission recommendation.

The MAC has agreed that all its recommendations will be "provisional" until it completes its work, at which time it will finalize its recommendations to the Board.

The MAC's provisional recommendations to date are summarized in the attached matrices. Each use category (wholesale, retail, processing, and production) includes a zoning matrix and a specific use standards matrix, with the following information:

Zoning Matrix

- Zones
- Original Proposal
- Planning Commission Recommendation
- MAC Provisional Recommendations

(Zoning matrices for production and processing are not attached because the MAC has not yet developed recommendations on zones.)

Specific Use Standards Matrix

- Specific Use Standard
- MAC Provisional Recommendations
- Original Proposal
- Planning Commission Recommendation
- Clackamas County Adopted Standards
- Jackson County Planning Commission Recommendation
- Oregon Liquor Control Commission Rules (recreational marijuana)
- Oregon Health Authority Rules (medical marijuana)

Note that while Lane County's adopted provisions are not included in the matrices, they were distributed to and are considered by the MAC.

The MAC is working under a consensus process rather than a direct up or down vote. The short timeframe, however, sometimes precludes a full discussion of differences of opinion that might result in consensus. Where full consensus is not reached on a particular issue, the parties are afforded the opportunity to submit a position report on the various points of view. These reports will be included in the final committee report.

The MAC has completed review of marijuana retail and wholesale, both specific use standards and zones, and is in the process of reviewing and discussing specific use standards for marijuana production and processing in the Exclusive Farm Use (EFU) zones. If time permits, which does not appear likely, the MAC will discuss where (other zones) and how (specific use standards) marijuana production and processing might be allowed elsewhere.

V. BOARD DIRECTION

Please find below a list of standards yet to be addressed by the MAC pertaining to production and processing in the EFU zone. (It has completed its discussion on home occupation, odor, lighting, and noise.) Members may propose additional standards. Given the limited time and significant issues, staff seeks direction from the Board on whether it has other priorities or preferences beyond those listed below for the MAC to discuss. In addition, in case the MAC does not have enough time to develop recommendations for all remaining standards, staff seeks direction from the Board regarding which of these are its highest priorities.

- a) Access (MAC discussion/recommendation in progress)
- b) Fire protection
- c) Water
- d) Temporary residences prohibited
- e) Maximum building floor size / Enclosed production only / Indoor-outdoor (including indoor processing)/ Limit the number of licenses / Size limits (production only)
- f) Outdoor storage prohibited (processing only)
- g) Screening / Fencing / Security / Security cameras / Secure disposal
- h) Processing method limitation (processing only)
- i) Minors
- j) Consumption
- k) Minimum separation / Setbacks / Additional setback / Minimum lot or parcel size
- l) Inspections

VI. NEXT STEPS

After the MAC completes its scheduled meetings, the next steps are:

- 4/15/16 MAC members submit final reports (areas of non-consensus)
- 4/20/16 MAC final report issued for Board work session packet and website
- 4/27/16 Board work session

At the Board work session, staff and MAC members will summarize the MAC Final Report and seek direction on how to proceed. Options include, but are not limited to:

Continue the Opt Out

1. Continue opt out moratorium as adopted and refer to voters in November.
2. Decide whether to regulate existing medical marijuana production/grow sites. If yes, then
 - a. Proceed to deliberations; or
 - b. Conduct public hearing with the Board; or
 - c. Send it back to the Planning Commission to conduct work sessions or public hearings prior to a Board hearing; or

- d. Establish a process to complete and adopt recreational marijuana regulations if voters rescind the opt-out ordinance at the November 2016 General Election; or ¹
- e. Take no further action; or
- f. Other.

Opt In

1. Rescind the Opt Out ordinance for one, some, or all of the six (6) marijuana related uses. If the Board selects this option, staff recommends commissioners adopt reasonable regulations prior to rescinding the opt out ordinance. The Board will need to decide whether to adopt the reasonable regulations by emergency (take effect immediately or, for example, in 30 days) or standard procedure (effect in 90 days).
2. Initiate review/adoption process to regulate medical and recreational marijuana uses. The process may consist of:
 - a. Proceed to deliberations; or
 - b. Conduct public hearing with the Board; or
 - c. Send it back to the Planning Commission to conduct work session or public hearings prior to a Board hearing; or
 - d. Take no further action; or
 - e. Other.

As indicated above, one key question for the Board is whether the Planning Commission will play any role in the final adoption process. The Planning Commission is not required to conduct any additional hearings prior to the Board taking action.

Attachments:

Marijuana Retail/Wholesale Zoning Matrix
 Marijuana Retail Specific Use Standards Matrix
 Marijuana Wholesale Specific Use Standards Matrix
 Marijuana Production Specific Use Standards Matrix
 Marijuana Processing Specific Use Standards Matrix

¹ The Board has [approximately](#) 30 days to enact reasonable regulations after the election.

MARIJUANA RETAIL AND WHOLESALE SUMMARY OF ZONES FOR CONSIDERATION TO ALLOW

	ORIGINAL PROPOSAL		PLANNING COMMISSION RECOMMENDATION		MAC PROVISIONAL RECOMMENDATIONS	
Permitted (P) Conditional Use (CU) Not Allowed (-)						
Zone	Retail	Wholesale (Recreational)	Retail	Wholesale (Recreational)	Retail	Wholesale (Recreational)
		P-office only CU-with storage		Office Only NO storage		Consensus: Office Only
TITLE 18 – Deschutes County						
18.65 RURAL SERVICE CENTER - UC					Consensus	Consensus
18.65.020 Commercial Mixed Use District (Brothers, Hampton, Millican, Whistlestop, Wildhunt)	CU	P	CU	P	CU	P
18.65.021 Commercial Mixed Use (Alfalfa)	CU	P	CU	P	CU	P
18.66 TERREBONNE RURAL COMMUNITY						
18.66.040 Commercial - TeC	P	P/CU	CU	P	CU	P
18.66.050 Commercial Rural - TeCR	P	P/CU	CU	P	CU	P
18.67 TUMALO RURAL COMMUNITY						
18.67.040 Commercial - TuC	P	P/CU	CU	P	CU	P
18.67.060 Industrial - Tul	CU	-	CU	-	CU	-
18.74 RURAL COMMERCIAL						
18.74.020 Deschutes Junction and Deschutes River Woods Store	CU	-	CU	-	CU	-
18.74.025 Spring River	CU	-	CU	-	CU	-
18.74.027 Pine Forest and Rosland	CU	P	CU	P	CU	P
18.100 Rural Industrial	CU	-	CU	-	CU	-
18.108 SUNRIVER UUC						
18.108.050 Commercial - SUC	CU	P	CU	P	CU	P
18.108.055 Town Center - TC	CU	-	CU	-	CU	-
18.108.110 Business Park – SUBP	CU	P/CU	CU	P	CU	P
TITLE 19 – BEND URBAN AREA ZONING ORDINANCE						
No Marijuana Related Businesses Allowed						
TITLE 20 - REDMOND URBAN AREA ZONING ORDINANCE						
No Marijuana Related Businesses Allowed						
TITLE 21 - SISTERS URBAN AREA ZONING ORDINANCE						
No Marijuana Related Businesses Allowed						

Related definitions originally proposed and recommended by the Planning Commission

“Marijuana retailing” means the sale of marijuana items to a consumer, provided that the marijuana retailer is licensed by the Oregon Liquor Control Commission for recreational marijuana sales or registered with the Oregon Health Authority for medical marijuana sales.

“Marijuana wholesaling” means the purchase of marijuana items for resale to a person other than a consumer, provided that the marijuana wholesaler is licensed by the Oregon Liquor Control Commission.

MARIJUANA RETAIL (RECREATIONAL AND MEDICAL) SPECIFIC USE STANDARDS FOR CONSIDERATION

Definition originally proposed and recommended by the Planning Commission

“Marijuana retailing” means the sale of marijuana items to a consumer, provided that the marijuana retailer is licensed by the Oregon Liquor Control Commission for recreational marijuana sales or registered with the Oregon Health Authority for medical marijuana sales.

	MAC PROVISIONAL RECOMMENDATIONS	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY ADOPTED	JACKSON COUNTY PC RECOMMENDATION	OLCC (Recreational)	OHA (Medical)
Home Occupation	CONSENSUS Prohibited. (February 17)	Prohibited	Prohibited	Prohibited	Prohibited		
Waste Disposal	CONSENSUS Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the licensee. (February 17)	<ul style="list-style-type: none"> Secure disposal of discarded marijuana items shall be provided. Marijuana items shall not be placed within exterior refuse containers on the subject property. 	Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the licensee.	Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA registrant.	No marijuana remnants or by-products shall be placed within the facility's exterior refuse containers.	Store marijuana waste in a secured waste receptacle in the possession of and under the control of the licensee.	
Minimum Separation Distances	<p>CONSENSUS</p> <ul style="list-style-type: none"> Require a separation of 1000 feet from public and private elementary and secondary schools, licensed child care centers (excluding in-home child care), licensed pre-schools, national monuments and state parks, and all approved/licensed youth activity centers; and require a separation of 1000 feet between all retail outlets (medical and recreational). A change in use (e.g., a new school) shall not cause a violation of this standard. Separation is to be measured from the lot line of the school. (February 22) <p>NO CONSENSUS Add churches to the list of locations that must be 1000 feet from a marijuana retail or dispensary operation. (March 2)</p> <p>NO CONSENSUS There was no consensus reached on several proposals</p>	<ul style="list-style-type: none"> 1,000 from public/private elementary schools, licenses child care center, licensed preschool, and marijuana retailers. Change of use (i.e. new school) shall not cause violation of this standard. <p>Distance Calculation: All distances shall be measured from the lot line of the affected property (e.g., a school) to the closest lot line of the property occupied by the marijuana retailer.</p>	<ul style="list-style-type: none"> 1000 from public/private elementary and secondary schools, licenses child care center, licensed preschool, parks, and all approved/licensed youth activity centers (i.e., Boys & Girls Club) with a 501c3 status or description stating youth activities, excluding in-home child care. Change of use (i.e. new school) shall not cause violation of this standard. <p>Distance Calculation: All distances shall be measured from the lot line of the affected property (e.g., a school) to the closest lot line of the property occupied by the marijuana retailer.</p>	<ul style="list-style-type: none"> 100 feet from residentially-zoned property except if street frontage on principal interstate, expressway, etc. 2,000 feet from elementary or secondary schools, including property and parking lots 1,500 feet from public parks, playgrounds, libraries; government-owned recreational use, licensed treatment center, light rail transit station or multi-family dwelling owned by a public housing authority 500 feet from a licensed daycare facility or preschool, including associated property and parking lot 1,000 feet for other marijuana retailer of the same type (e.g., recreational or medical) 1,000 feet from any other marijuana retailer so licensed by the OLCC. 1,000 feet from any other marijuana retailer 	<p>Shall not be within:</p> <ul style="list-style-type: none"> One mile of the Veterans Administration Southern Oregon Rehabilitation Center and Clinics. 1,000 feet of the Jackson County Transition Center. 250 feet of residentially zoned property within the White City Urban Unincorporated Community Boundary. 1,000 feet of a public park, excluding the Bear Creek Greenway. 1,000 feet of an Interstate 5(1-5) interchange. The interchange is defined as the bridge structure over 1-5 including all on and off ramp termini. 1,000 feet from a public elementary or secondary school. 1,000 feet of another marijuana retail sales facility. 1,000 feet of another medical marijuana facility. <p>Distance Calculation: For the purposes of determining the distance</p>	<ul style="list-style-type: none"> May not be located within 1,000 feet of public/private/parochial elementary or secondary school. Local standard cannot require greater than 1,000 feet from another retail marijuana premises. 	<ul style="list-style-type: none"> 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors. Must not be located within 1,000 feet of another medical marijuana facility.

	<p>for measuring separation distance, as follows (however, there was consensus in the above recommendation):</p> <ul style="list-style-type: none">▪ Defer to current state regulations for how separation [between uses] is measured, acknowledging that they may change; if the state makes those regulations less strict, the County will keep their stricter regulations. If the state makes their regulations stricter, the County would have to conform to the stricter standard.▪ Use the Clackamas County measurement method, from the lot line of a school, etc., to the closest point of the space occupied by a marijuana retailer.▪ Measure separation from property line to property line to avoid encroachment where children are located.▪ Measure separation in the way that the state regulations or law prescribes, even as it changes. <p>(February 22)</p> <p>NO CONSENSUS Allow no retail marijuana facilities be allowed near public playgrounds, meeting places available for rent such as The Grange, and Deschutes public libraries. (February 22)</p>			<p>so registered with the OHA.</p> <ul style="list-style-type: none">• Change of use to listed use shall not cause violation of this standard. <p>Distance Calculation: The distance shall be measured from the lot line of the affected property (e.g., a school) to the closest point of the building space occupied by the marijuana retailer. For retail to retail separation distance shall be measured from the closest point of the building space occupied by one marijuana retailer to the closest point of the building space occupied by the other marijuana retailer</p>	<p>between a marijuana retail sales facility/medical marijuana facility and another marijuana retail sales facility/medical marijuana facility "within 1,000 feet" means a straight line measurement in a radius extending 1,000 feet or less in every direction from the closest point anywhere on the premises of a marijuana retailer to the closest point anywhere on the premises of a marijuana retailer.</p>		
Hours	<p>NO CONSENSUS There was no consensus reached on several proposals for hours of operation, as follows:</p> <ul style="list-style-type: none">▪ 7:00 a.m. until 10:00 p.m.▪ 10:00 a.m. until 5:00 p.m.▪ March 1 through October 31, 7 a.m. to 10 p.m. and November 1 to the end of February, 9 a.m. to 7 p.m.▪ 10:00 a.m. until 7:00 p.m.▪ 9:00 a.m. until 9:00 p.m.▪ 10:00 a.m. until 7:00 p.m. everywhere except in the Spring River area due to the	10:00 to 7:00 p.m.	10:00 to 7:00 p.m.	10:00 a.m. to 9 p.m.	9:00 a.m. to 7:00 p.m.	7:00 a.m. to 10:00 p.m.	

	level of tourism there, where hours would be 7:00 a.m. until 10:00 p.m. (February 22)						
Window Service	CONSENSUS No window service at retail outlets. (February 22)	Shall not have a walk-up window or drive-thru window service.	Shall not have a walk-up window or drive-thru window service.	Shall not have a walk-up window or drive-thru window service.		A licensee may not sell any marijuana item through a drive-up window.	
Minors	CONSENSUS A minimum age of 18 years for medical marijuana and 21 years for recreational marijuana. (February 22) NO CONSENSUS No minors allowed, unless accompanying a parent or guardian as allowed by state law. (February 22)	No minors allowed, unless accompanying a parent or guardian as allowed by state law.	No minors allowed, unless accompanying a parent or guardian as allowed by state law.	No minors allowed, unless accompanying a parent or guardian as allowed by state law.		No minors permitted anywhere on premises.	
Co-Location	CONSENSUS Shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club. (February 22)	Shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club.	Shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club.	No retail on same lot as marijuana smoking or social club.			
Odor Control	NO CONSENSUS It shall be unlawful for any person to cause an emission of a detectable odor that unreasonably interferes with the use and enjoyment of neighboring premises, with reasonable being judged as someone with normal sensibilities. (February 22) NO CONSENSUS Adopt the Jackson County odor control regulations, plus the requirement that filters be changed according to manufacturers' minimum standards, and requesting the BOCC to ensure the CFM of the fan is appropriate to the building. (February 22)			<ul style="list-style-type: none"> The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM. 3. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days. Negative air pressure shall be maintained inside the building. Doors and windows shall 	<ul style="list-style-type: none"> A building used for marijuana retailing shall be equipped with a carbon filtration system for odor control. The system shall consist of one or more fans and filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the square footage of the building floor space (i.e., one CFM per square foot of building floor space). The filter(s) shall be rated for the applicable CFM. The filtration system shall be maintained in working order and shall be in use. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the carbon filtration system otherwise required 		

				<p>remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.</p> <ul style="list-style-type: none">• The filtration system shall be designed by a mechanical engineer licensed in the State of Oregon. The engineer shall stamp the design and certify that it complies with Subsection 841.04(B).• An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required.			
Grandfather existing medical marijuana dispensaries	NO CONSENSUS Any existing permitted medical marijuana facility in the County would be permitted to expand to recreational marijuana as a permitted use, and subject to any OLCC or other rules and regulations. (March 2)			<ul style="list-style-type: none">•	<ul style="list-style-type: none">•		
Outdoor Patio Space	NO CONSENSUS No public outdoor patio space for marijuana-only retailers that would be visible from the public view. (March 2)			<ul style="list-style-type: none">•	<ul style="list-style-type: none">•		

MARIJUANA WHOLESALE (RECREATIONAL MARIJUANA ONLY) SPECIFIC USE STANDARDS FOR CONSIDERATION

Definition originally proposed and recommended by the Planning Commission:

“Marijuana wholesaling” means the purchase of marijuana items for resale to a person other than a consumer, provided that the marijuana wholesaler is licensed by the Oregon Liquor Control Commission.

	MAC PROVISIONAL RECOMMENDATIONS	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY ADOPTED	JACKSON COUNTY PC RECOMMENDATION	OLCC (Recreational)
Home Occupation	NO CONSENSUS Allow wholesale operations as a home occupation. (February 17)	Prohibited	Prohibited	Prohibited	Prohibited	
Office Only	CONSENSUS Office only with no on-site storage of marijuana items or products. (February 17)		Office only with no on site storage of marijuana items or products.			
Secure Disposal	N/A because no storage is allowed.	<ul style="list-style-type: none"> Secure disposal of discarded marijuana items shall be provided. Marijuana items shall not be placed within exterior refuse containers on the subject property. 			Marijuana waste shall be stored in a secured waste receptacle in the possession of and/or under the control of the licensee.	
Minimum Separation Distances	N/A because no storage is allowed.	<ul style="list-style-type: none"> 1000 from public/private elementary or secondary schools, licenses child care center, and licensed preschool. Change of use (i.e. new school) shall not cause violation of this standard. <p>Distance Calculation: All distances shall be measured from the lot line of the affected property (e.g., a school) to the closest lot line of the property occupied by the marijuana wholesaler.</p>				
Co-Location	N/A because no storage is allowed.	Shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club.				
Outdoor Storage	N/A because no storage is allowed.				Outdoor storage is prohibited.	
Samples/Consumption	N/A because no storage is allowed.				Samples may be provided to marijuana licensee but product may not be consumed on the property.	
Inspections	NO CONSENSUS Require random, annual, unannounced inspections by County Code Enforcement. (February 17)	Not considered.	Not considered.			

MARIJUANA PRODUCTION
(RECREATIONAL AND MEDICAL)
SPECIFIC USE STANDARDS FOR CONSIDERATION

Related Definition Originally Proposed And Recommended By The Planning Commission:

“**Marijuana Production**” means the manufacture, planting, cultivation, growing, trimming, harvesting, or drying of marijuana, provided that the marijuana producer is licensed by the Oregon Liquor Control Commission, or registered with the Oregon Health Authority and a “person designated to produce marijuana by a registry identification cardholder.”

LAND USE / DEVELOPMENT STANDARDS	MAC PROVISIONAL RECOMMENDATIONS EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
Home Occupation	CONSENSUS Prohibited. (March 2)	Prohibited	Prohibited	Prohibited	Prohibited		
Minimum Lot Size		<u>In the RR-10, MUA-10, F-1, and F-2 Zones:</u> Minimum parcel size shall be 5 acres .	<u>In the EFU zone:</u> Minimum parcel size shall be 20 acres . Production not permitted in the RR-10, MUA-10, F-1, and F-2 Zones. Therefore, the originally proposed minimum parcel size is not applicable.	<u>In the FF-10 and RFFF-5 Districts:</u> 5-acre minimum , except that if the majority of abutting properties are equal to or greater than 2 acres, the subject property shall be a minimum of 2 acres . Abutting properties include properties that are contiguous to the subject property, as well as properties directly across any access drive, or private, public, or county road, provided the functional classification of the road is below that of a collector. <u>In the AG/F, EFU, and TBR Districts:</u> 2-acre minimum , except that if outdoor production is proposed, the subject property shall be a minimum of five acres . Outdoor production means producing marijuana: 1. In an expanse of open or cleared ground; or 2. In a greenhouse, hoop house, or similar non-rigid structure that does not utilize any artificial lighting on mature marijuana plants, including but not limited to electrical lighting sources. A mature marijuana plant is a marijuana plant that is flowering.			

LAND USE / DEVELOPMENT STANDARDS	MAC PROVISIONAL RECOMMENDATIONS EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
Yard Setback		No land area or structure used for marijuana production shall be located closer than 100 feet from any lot line.	No land area or structure used for marijuana production shall be located closer than 200 feet from any lot line.	<p><u>In the FF-10 and RRRF-5 Districts:</u> 50 feet minimum setback from all property lines for any structure used for marijuana production.</p> <p><u>In the AG/F, EFU, and TBR Districts:</u> Outdoor production, as defined above, shall be a minimum of 100 feet from all lot lines.</p>	<p><u>In the Rural Residential and Rural Use Zoning Districts:</u></p> <ol style="list-style-type: none"> No land area or structure used for medical marijuana production shall be located closer than 250 feet from any property line. If the property line abuts a public or private road or a waterway those features will be included in the setback area. Setback requirement will not take effect until March 1, 2017. If permitted before March 1, 2017, medical marijuana production not meeting the setbacks above will not be considered non-conforming uses as defined in Jackson County Code. 		
Additional Setback		No land area or structure used for marijuana production can be within 300 feet from an existing dwelling unit not located on the same property.	No land area or structure used for marijuana production can be within 300 feet from an existing dwelling unit not located on the same property.				
Minimum Separation Distances		<ol style="list-style-type: none"> 1000 feet from public/private elementary schools, licenses child care center, and licensed preschool Change of use (e.g. new school) shall not cause violation of this standard. <p>Distance Calculation: All distances shall be measured from the lot line of the affected property (e.g., a school) to the closest lot line of the property occupied by the marijuana producer.</p>	<ol style="list-style-type: none"> 1000 feet from public/private elementary and secondary schools, licenses child care center, licensed preschool, parks, and all approved/licensed youth activity centers (e.g., Boys & Girls Club) with a 501c3 status or description stating youth activities, excluding in-home child care. Change of use (e.g. new school) shall not cause violation of this standard. <p>Distance Calculation: All distances shall be measured from the lot line of the affected property (e.g., a school) to the closest lot line of the property occupied by the marijuana producer.</p>				

LAND USE / DEVELOPMENT STANDARDS	MAC PROVISIONAL RECOMMENDATIONS EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
Odor	<p>CONSENSUS</p> <p>A “building” is any building, including greenhouses, hoop houses, and other similar structures, used for marijuana production or marijuana processing. (March 2)</p> <p>CONSENSUS</p> <ol style="list-style-type: none">Buildings for production and processing in EFU shall be equipped with an effective odor control system that prevents unreasonable interference of neighbors’ use and enjoyment of their propertyAn odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the system will control odor.Private citizen complaints about odor are authorized, as judged by persons of ordinary sensibilities.The system shall consist of one or more fans.The fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three.The filter(s) shall be rated for the required CFM.The system shall be maintained in working order and shall be in	<p>Buildings and Greenhouses shall:</p> <ol style="list-style-type: none">Be equipped with carbon filtration system for odor control.Consist of 1 or more fans.The fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three.The filter(s) shall be rated for the required CFM.	<p>Buildings and Greenhouses shall:</p> <ol style="list-style-type: none">Be equipped with carbon filtration system for odor control.Consist of 1 or more fans.The fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three.The filter(s) shall be rated for the required CFM.The filtration system shall be maintained in working order and shall be in use.An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the carbon filtration system otherwise required.	<p>The building shall be:</p> <ol style="list-style-type: none">Equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.Negative air pressure shall be maintained inside the building.Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.The filtration system shall be designed by a mechanical engineer licensed in the State of Oregon. The engineer shall stamp the design and certify that it complies with Subsection 841.03(G).An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required.	<p><u>In the Rural Residential and Rural Use Zoning Districts (it is unclear but assumed this is also applicable to EFU and Forest Zoning Districts):</u></p> <p>A building used for marijuana production shall be:</p> <ol style="list-style-type: none">Equipped with a carbon filtration system for odor control.The system shall consist of one or more fans and filters.At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the square footage of the building floor Space (i.e., one CFM per square foot of building floor space.The filter(s) shall be rated for the applicable CFM. The filtration system shall be maintained in working order and shall be in use.An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the carbon filtration system otherwise required.		

LAND USE / DEVELOPMENT STANDARDS	MAC PROVISIONAL RECOMMENDATIONS EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
	use. (March 9)						

LAND USE / DEVELOPMENT STANDARDS	MAC PROVISIONAL RECOMMENDATIONS EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
Lighting	CONSENSUS <div>1. Inside building lighting used for marijuana production shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. on the following day.</div> <div>2. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.</div> <div>3. Light cast by exterior light fixtures other than marijuana grow lights (i.e. security lights) shall not trespass onto adjacent lots.</div> <div>4. Lighting fixtures shall be fully shielded in such a manner that all light emitted directly by the lamp or a diffusing element, or indirectly by reflection or refraction, is projected below the horizontal plane through the lowest light-emitting part.</div> <div>5. This lighting standard will apply to existing production and processing sites after one year.</div> <div>(March 9)</div>	<div>1. Light cast by light fixtures inside any building, including greenhouses, shall be screened or shielded from view outside the building to the maximum extent possible from sunset to sunrise the following day.</div> <div>2. Outdoor marijuana grow lights shall not be illuminated from sunset to sunrise the following day.</div> <div>3. Light cast by exterior light fixtures shall comply with the outdoor lighting standards of DCC 15.10.</div>	<div>General consensus to mitigate light and preserve dark skies, but no consensus on to what extent or method (e.g. require shielding or obscuring roof/walls of greenhouses).</div> <div>1. Light cast by light fixtures inside any building, including greenhouses, shall be screened or shielded from view outside the building to the maximum extent possible from sunset to sunrise the following day.</div> <div>2. Outdoor marijuana grow lights shall not be illuminated from sunset to sunrise the following day.</div> <div>3. Light cast by exterior light fixtures shall comply with the outdoor lighting standards of DCC 15.10.</div>	<div>1. Light cast by light fixtures inside any building used for marijuana production or marijuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.</div> <div>2. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.</div> <div>3. Light cast by exterior light fixtures other than marijuana grow lights (e.g., security lights, driveway lights) shall not be directed skyward and shall be directed within the boundaries of the subject property.</div>	<div>1. Inside building lighting used for marijuana production shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. on the following day.</div> <div>2. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.</div> <div>3. Light cast by exterior light fixtures other than marijuana grow lights (i.e. security lights) shall not trespass onto adjacent lots.</div> <div>4. Lighting fixtures shall be fully shielded in such a manner that all light emitted directly by the lamp or a diffusing element, or indirectly by reflection or refraction is projected below the horizontal plane through the lowest light-emitting part.</div>		
Noise	CONSENSUS <div>1. Marijuana processing and production sites in EFU shall comply with the Noise Control Standards of DCC 8.08.</div> <div>2. Noise from mechanical equipment used shall not produce sound that, when measures at any lot line of the subject property, exceed 50 dB(A) anytime between 10:00 pm and 7:00 am the</div>	<div>1. Comply with the Noise Control Standards of DCC 8.08</div> <div>2. Noise from mechanical equipment used shall not produce sound that, when measured at any lot line of the subject property, exceed 50 dB(A) anytime between 10:00 p.m. and 7:00 a.m. the following day.</div>	<div>Move to Noise Control Ordinance 8.08, and apply to all marijuana production building and mechanical equipment outside of an industrial zone.</div>	<div>The applicant shall submit a noise study by an acoustic engineer licensed in the State of Oregon. The study shall demonstrate that generators as well as mechanical equipment used for heating, ventilating, air conditioning, or odor control will not produce sound that, when measured at any lot line of the subject property, exceeds 50 dB(A).</div>	<div><u>In the Rural Residential and Rural Use Zoning Districts:</u></div> <div>The applicant shall submit a noise study by an acoustic engineer licensed in the State of Oregon. The study shall demonstrate that the mechanical equipment used for heating, ventilating, air conditioning, or odor control will not produce sound that when measured at any lot line of the subject property, exceeds 60 dB(A).</div>		

LAND USE / DEVELOPMENT STANDARDS	MAC PROVISIONAL RECOMMENDATIONS EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
	<p>following day.</p> <p>3. This standard applies to existing medical marijuana sites, as well as any prospective sites.</p> <p>(March 9)</p>						
Limit the Number of licenses per parcel			Consider limiting the number of OLCC production licenses of one type on a parcel to 1 indoor and 1 outdoor license per 10 or 20 acres.				
Enclosed Production Only		<u>In the RR-10, MUA-10, F-1, F-2 zones:</u> Marijuana production shall be located entirely within one or more completely enclosed buildings, including greenhouses.	Production not permitted in the RR-10, MUA-10, F-1, and F-2 Zones. Therefore, the originally proposed indoor production requirement is not applicable.	<u>In the FF-10 and RRF-5 Districts:</u> Marijuana production shall be located entirely within one or more completely enclosed buildings.			

LAND USE / DEVELOPMENT STANDARDS	MAC PROVISIONAL RECOMMENDATIONS EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
Maximum Building Floor Space		<p><u>In the RR-10, MUA-10, F-1, F-2 zones:</u></p> <ol style="list-style-type: none"> A maximum of 5,000 square feet of building space may be used for all activities associated with marijuana production on the subject property. If only a portion of a building is authorized for use in marijuana production, a partition wall at least seven feet in height, or a height as required by the County Building Codes Division, whichever is greater, shall separate the marijuana production space from the remainder of the building. A partition wall may include a door, capable of being closed, for ingress and egress between the marijuana production space and the remainder of the building. 	Production not permitted in the RR-10, MUA-10, F-1, and F-2 Zones. Therefore, the originally proposed maximum building space requirement is not applicable.	<p><u>In the FF-10 and RRRF-5 Districts:</u></p> <ol style="list-style-type: none"> A maximum of 5,000 square feet of building floor space may be used for all activities associated with marijuana production on the subject property. If only a portion of a building is authorized for use in marijuana production, a partition wall at least seven feet in height, or a height as required by the County Building Codes Division, whichever is greater, shall separate the marijuana production space from the remainder of the building. A partition wall may include a door, capable of being closed, for ingress and egress between the marijuana production space and the remainder of the building. 			
Screening		<p>Land area and buildings, including greenhouses, shall be screened in the following manner:</p> <ol style="list-style-type: none"> A row of evergreen trees or shrubs along the outside perimeter of the land area and buildings, including greenhouses, shall be no less than 4 feet in height when planted, and spaced in such a way as to reduce the visual impacts of the land areas and buildings as viewed from roads, rivers, streams, and abutting private properties. Vegetation shall be continuously maintained. Combination of existing vegetation, berming, topography, wall, fence, or other can be used. All materials used for buildings, structures, and fencing, excluding greenhouses shall be finished in muted earth tones that blend with and reduce contrast with the surrounding vegetation and landscape of the marijuana production and processing area. 	<p>Do not apply to buildings and greenhouses for new operations because OLCC's security and site obscuring requirements combined with Planning Commission recommendations (e.g. increased setbacks) will mitigate impacts.</p> <p>These standards should only apply to existing, non-conforming operations, including buildings and greenhouses to mitigate impacts:</p> <ol style="list-style-type: none"> A row of evergreen trees or shrubs along the outside perimeter of the land area and buildings, including greenhouses, shall be no less than 4 feet in height when planted, and spaced in such a way as to reduce the visual impacts of the land areas and buildings as viewed from roads, rivers, streams, and abutting private properties. Vegetation shall be continuously maintained. Combination of existing vegetation, berming, topography, wall, fence, or other can be used. All materials used for buildings, structures, and fencing, excluding greenhouses shall be finished in muted earth tones that blend with and reduce contrast with the surrounding vegetation and landscape of the marijuana production and processing area. 				

LAND USE / DEVELOPMENT STANDARDS	MAC PROVISIONAL RECOMMENDATIONS EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
Water		Proof of a water right for the proposed marijuana production or marijuana processing, or proof of access to a public or community water system.	Proof from the Watermaster that proposed water supply complies all applicable local, state, and federal laws.	<p>The applicant shall submit:</p> <ol style="list-style-type: none"> 1. A water right permit or certificate number for the proposed marijuana production; 2. A statement that water is supplied from a public or private water provider, along with the name and contact information of the water provider; or 3. Proof from the Oregon Water Resources Department that the water to be used for marijuana production is from a source that does not require a water right. 	<p>The applicant shall provide:</p> <ol style="list-style-type: none"> 1. A water right permit or certificate number; or 2. A statement that water is supplied from a water provider, along with the name and contact information of the public water provider; or 3. Proof from the Oregon Water Resources Department that the water to be used for production is from a source that does not require a water right. 4. Private water provision is allowed, only as a secondary water source, to be used only when the other sources described herein are not available. 	<p>The applicant shall provide:</p> <ol style="list-style-type: none"> 1. A water right permit or certificate number; 2. A statement that water is supplied from a public or private water provider, along with the name and contact information of the water provider; or 3. Proof from the Oregon Water Resources Department that the water to be used for production is from a source that does not require a water right. 	<ol style="list-style-type: none"> 1. A medical marijuana producer must have: <ol style="list-style-type: none"> a. A water right for irrigation or nursery use; b. Water supplied from a public or private water provider that has a legal authorization to use water; or c. Proof from the Oregon Water Resources Department that the water to be used for producing marijuana is from a source that does not require a water right. 2. A medical marijuana producer must document the information in section (1) of this rule and provide that information to the Authority upon request.

LAND USE / DEVELOPMENT STANDARDS	MAC PROVISIONAL RECOMMENDATIONS EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
Access	<p>NO CONSENSUS Adopt the Planning Commission recommendation for access to marijuana processing and production sites in EFU, substituting “a majority of property owners” for “all property owners.” (March 9)</p> <p>NO CONSENSUS No access restrictions to marijuana processing and production sites in EFU. (March 9)</p>	<p>1. The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property.</p> <p>2. If property takes access via a private road or easement which also serves other properties, evidence must be provided by the applicant, in the form of a petition, that all other property owners who have access rights to the private road or easement agree to allow the specific marijuana production or marijuana processing described in the application. Such evidence shall include any conditions stipulated in the agreement.</p>	<p>1. The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property.</p> <p>2. If property takes access via a private road or easement which also serves other properties, evidence must be provided by the applicant, in the form of a petition that all other property owners who have access rights to the private road or easement agree to allow the specific marijuana production or marijuana processing described in the application. Such evidence shall include any conditions stipulated in the agreement.</p>	<p>1. The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property.</p> <p>2. However, this standard will be waived if the property takes access via a private road or easement which also serves other properties and evidence is provided by the applicant, in the form of a petition, that all other property owners who have access rights to the private road or easement agree to allow the specific marijuana production described in the application. Such evidence shall include any conditions stipulated in the agreement.</p>	<p><u>In the Rural Residential and Rural Use Zoning Districts:</u></p> <p>1. The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on a private road or easement serving only the subject property.</p> <p>2. If property takes access via a private road or easement which also serves other properties, evidence must be provided by the applicant, in the form of a petition, which a majority of other property owners who have access rights to the private road or easement agree to allow the specific marijuana production described in the application. The petition shall include any conditions stipulated to, by the parties, and shall be recorded.</p>		
Security Cameras		Shall be directed to record only the subject property and public rights-of-way.	If used, they shall be directed to record only the subject property and public rights-of-way, except as required to comply with licensing requirements of the Oregon Liquor Control Commission (OLCC) or registration requirements of the Oregon Health Authority (OHA).	If used, security cameras shall be directed to record only the subject property and may be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the Oregon Liquor Control Commission (OLCC).	If are used, they shall be directed to record only the subject property and public rights-of-way, except as required to comply with licensing requirements of the Oregon Liquor Control Commission or registration requirements of the Oregon Health Authority.	See OAR 845-025-1430, Video Surveillance Equipment	See OAR 333-008-2110 (Draft), Video Surveillance Equipment

LAND USE / DEVELOPMENT STANDARDS	MAC PROVISIONAL RECOMMENDATIONS EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
Secure Disposal		<ol style="list-style-type: none"> Secure disposal of discarded marijuana items shall be provided Marijuana items shall not be placed within exterior refuse containers on the subject property. 	Store marijuana waste in a secured waste receptacle in the possession of and under the control of the licensee.	Store marijuana waste in a secured waste receptacle in the possession of and under the control of the OLCC licensee.	<p>In the Rural Residential and Rural Use Zoning Districts:</p> <ol style="list-style-type: none"> Marijuana waste shall be stored in a secured waste receptacle, and in the possession of and under the control of the licensee. Composting of marijuana waste is limited to waste from the permitted premises. Marijuana waste burning is prohibited. <p>In the EFU and Forest Zoning Districts:</p> <ol style="list-style-type: none"> Marijuana waste shall be stored in a secured waste receptacle, and in the possession of and under the control of the licensee. Marijuana waste burning is prohibited. 	Store marijuana waste in a secured waste receptacle in the possession of and under the control of the licensee.	Store marijuana waste in a secured waste receptacle in the possession of and under the control of the Person Responsible for the Grow Site (PRMG).
On Site Residency		<p><u>In the RR-10, MUA-10, F-1, F-2 zones:</u></p> <p>An owner of the subject property shall reside in a dwelling unit on the subject property.</p>	Production not permitted in the RR-10, MUA-10, F-1, and F-2 Zones. Therefore, the originally proposed residency requirement is not applicable.	<p><u>In the FF-10 and RRFF-5 Districts,</u> a minimum of one of the following shall reside in a dwelling unit on the subject property:</p> <ol style="list-style-type: none"> An owner of the subject property; or A holder of an OLCC license for marijuana production, provided that the license applies to the subject property. 			

LAND USE / DEVELOPMENT STANDARDS	MAC PROVISIONAL RECOMMENDATIONS EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
Inspections			<div><div>1.</div><div>County to conduct inspections of each approved site in 1-2 years to determine compliance and to learn what’s working and what’s not.</div><div>2.</div><div>Require property owner to grant County access to conduct the inspection.</div></div>			<div><div>1.</div><div>The commission may conduct:<div><div>a.</div><div>A complaint inspection at any time following the receipt of a complaint that alleges a licensee or permittee is in violation of applicable State laws;</div><div>b.</div><div>An inspection at any time if it believes, for any reason, that a licensee or permittee is in violation of applicable State laws; or</div><div>c.</div><div>Compliance transactions in order to determine whether a licensee or permittee is complying with applicable State laws</div></div></div><div><div>2.</div><div>A licensee, licensee representative, or permittee must cooperate with the Commission during an inspection.</div></div><div><div>3.</div><div>If licensee, licensee representative or permittee fails to permit the Commission to conduct an inspection the Commission may seek an investigative subpoena to inspect the premises and gather books, payrolls, accounts, papers, documents or records.</div></div></div>	<div><div>1.</div><div>The Authority may inspect the following to ensure compliance with applicable State laws:<div><div>a.</div><div>The marijuana grow site of a medical marijuana producer; and</div><div>b.</div><div>The records of a medical marijuana producer.</div></div></div><div><div>2.</div><div>The Authority may inspect:<div><div>a.</div><div>A medical marijuana producer’s grow site address at any reasonable time to determine whether a producer is in compliance with applicable State laws; and</div><div>b.</div><div>Any grow site address if there is a reasonable basis for believing that a PRMG is in violation of applicable State laws.</div></div></div><div><div>3.</div><div>If an individual at a grow site address fails to permit the Authority to conduct an inspection or if the Authority requires access to a grow site address and cannot obtain permission the Authority may seek an administrative warrant authorizing the inspection pursuant to ORS 431.262.</div></div></div></div>

LAND USE / DEVELOPMENT STANDARDS	MAC PROVISIONAL RECOMMENDATIONS EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
Non Conformance: Applying to lawfully established medical marijuana sites that continue to by only medical marijuana sites		Shall comply with odor, lighting, security camera, secure disposal, noise, and screening requirements by 12/31/16.	Shall comply with odor, lighting, security camera, secure disposal, noise, and screening requirements by 12/31/16.				
Fencing					Fencing, as required by State law, shall not be constructed of temporary materials such as plastic sheeting, hay bales, tarps, etc.		
Temporary Residences Prohibited					Use of tents, and recreational or camping vehicles as living space is not allowed in conjunction with marijuana production.		
Minors						Minors are not permitted at the licensed premise except if minor is an employee, has a legitimate business purpose (e.g. plumber) or is resident of the property . Minor resident may not be present in areas where usable marijuana or cut and drying marijuana plants are located.	
Consumption						Product may not be consumed at a licensed premise.	

LAND USE / DEVELOPMENT STANDARDS	MAC PROVISIONAL RECOMMENDATIONS EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
Security						<p>1. In addition to the security requirements in OAR 845-025-1400 to 845-025-1460 a producer must effectively prevent public access and obscure from public view all areas of marijuana production. A producer may satisfy this requirement by:</p> <ul style="list-style-type: none">a. Submitting a security plan as described in (x-ref);b. Fully enclosing indoor production on all sides so that no aspect of the production area is visible from the exterior satisfies; orc. Erecting a solid wall or fence on all exposed sides of an outdoor production area that is at least eight (8) feet high. <p>2. If a producer chooses to dispose of usable marijuana by any method of composting, as described in OAR 845-025-7750, the producer must prevent public access to the composting area and obscure the area from public view.</p>	<p>1. A PRMG must effectively prevent public access and obscure from public view all areas of where marijuana is being produced. A PRMG may satisfy this requirement by:</p> <ul style="list-style-type: none">a. Fully enclosing indoor production on all sides so that no aspect of the production area is visible from the exterior; orb. Erecting a solid wall or fence on all exposed sides of an outdoor production area that is at least eight feet high. <p>2. A medical marijuana producer must comply with all applicable security requirements in OAR 333-008-2080 to 333-008-2120.</p> <p>3. A PRMG may request a waiver of a security requirement in accordance with OAR 333-008-2130.</p>
Size Limits						See OAR 845-025-2040, Production Size Limitations	See OAR 333-008-0560 (Draft), Grow Site Plant Limits

LAND USE / DEVELOPMENT STANDARDS	MAC PROVISIONAL RECOMMENDATIONS EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
Outdoor (no- building) grow sites	<p>NO CONSENSUS Prohibit outdoor/no- building grow sites. (March 9)</p> <p>NO CONSENSUS Allow marijuana grow sites without a building in EFU if they do not unreasonably interfere with the use and enjoyment of neighbors’ properties. (March 9)</p> <p>NO CONSENSUS Allow non-building marijuana grow sites in EFU if the neighbors signed a petition to allow it. (March 9)</p>						

**MARIJUANA PROCESSING
(RECREATIONAL AND MEDICAL)
SPECIFIC USE STANDARDS FOR CONSIDERATION**

Related Definition Recommended By The Planning Commission:
“Marijuana Processing” means the processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates, or cannabinoid extracts, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.”

Related Definitions Originally Proposed:
“Marijuana processing, Type 1” means the processing of marijuana limited to trimming, drying, curing, and packaging of harvested marijuana, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.

“Marijuana processing, Type 2” means the processing of marijuana that extracts concentrates, infuses products, or involves mechanical and/or chemical processing in addition to drying, curing, trimming, and packaging, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority .

	MAC PROVISIONAL RECOMMENDATIONS: EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY ADOPTED	JACKSON COUNTY PC RECOMMENDATION	OLCC (Recreational)	OHA PROPOSED RULES (Medical)
Home Occupation	Prohibited. (March 2)	Prohibited	Prohibited	Prohibited	Prohibited		
Minimum Parcel Size		In the MUA-10 Zone: <ul style="list-style-type: none">The subject property minimum parcel size shall be:<ul style="list-style-type: none">Processing, Type 1: 5 acres.Processing, Type 2: 10 acres.	Processing not permitted in the MUA-10 zone. Therefore, the originally proposed minimum parcel size is not applicable.	In the FF-10 and RRFF-5 Districts: the subject property shall be a minimum of five acres, except that if the majority of abutting properties are equal to or greater than two acres, the subject property shall be a minimum of two acres. Abutting properties include properties that are contiguous to the subject property, as well as properties directly across any access drive, or private, public, or county road, provided the functional classification of the road is below that of a collector. In the AG/F, EFU, and TBR Districts: Tthe subject property shall be a minimum of two acres.			
Yard Setback		No land area or structure used for marijuana production or marijuana processing shall be located closer than 100 feet from any lot line.	No land area or structure used for marijuana production or marijuana processing shall be located closer than 200 feet from any lot line.		In the EFU zone: No land area or structure used for all marijuana processing shall be located closer than 200 feet from any property line.		
Additional Setback		No land area or structures used for marijuana processing shall be located closer than 300 feet from an existing dwelling unit not	No land area or structures used for marijuana processing shall be located closer than 300 feet from an existing dwelling unit not				

	MAC PROVISIONAL RECOMMENDATIONS: EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY ADOPTED	JACKSON COUNTY PC RECOMMENDATION	OLCC (Recreational)	OHA PROPOSED RULES (Medical)
		located on the same property.	located on the same property.				
Minimum Separation Distances		<ul style="list-style-type: none">1000 from public/private elementary schools, licenses child care center, and licensed preschoolChange of use (i.e. new school) shall not cause violation of this standard <p>Distance Calculation: All distances shall be measured from the lot line of the affected property (e.g., a school) to the closest lot line of the property occupied by the marijuana wholesaler.</p>	<ul style="list-style-type: none">1000 from public/private elementary and secondary schools, licenses child care center, licensed preschool, parks, and all approved/licensed youth activity centers (i.e., Boys & Girls Club) with a 501c3 status or description stating youth activities, excluding in-home child care.Change of use (i.e. new school) shall not cause violation of this standard. <p>Distance Calculation: All distances shall be measured from the lot line of the affected property (e.g., a school) to the closest lot line of the property occupied by the marijuana wholesaler.</p>				
Access	<p>NO CONSENSUS Adopt the Planning Commission recommendation for access to marijuana processing and production sites in EFU, substituting “a majority of property owners” for “all property owners.” (March 9)</p> <p>NO CONSENSUS No access restrictions to marijuana processing and production sites in EFU. (March 9)</p>	<ul style="list-style-type: none">The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property. <p>If property takes access via a private road or easement which also serves other properties, evidence must be provided by the applicant, in the form of a petition, that all other property owners who have access rights to the private road or easement agree to allow the specific marijuana production or marijuana processing described in the application. Such evidence shall include any conditions stipulated in the agreement.</p>	<ul style="list-style-type: none">The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property. <p>If property takes access via a private road or easement which also serves other properties, evidence must be provided by the applicant, in the form of a petition, that all other property owners who have access rights to the private road or easement agree to allow the specific marijuana production or marijuana processing described in the application. Such evidence shall include any conditions stipulated in the agreement.</p>	<ul style="list-style-type: none">The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property. <p>However, this standard will be waived if the property takes access via a private road or easement which also serves other properties and evidence is provided by the applicant, in the form of a petition, that all other property owners who have access rights to the private road or easement agree to allow the specific marijuana production or marijuana processing described in the application. Such evidence shall include any conditions stipulated in the agreement.</p>			
Odor	<p>CONSENSUS A “building” is any building, including greenhouses, hoop</p>	<p>Buildings and Greenhouses shall:</p> <ul style="list-style-type: none">Equipped with carbon	<p>Buildings and Greenhouses shall:</p> <ul style="list-style-type: none">Equipped with carbon Filtration system	<p>The building shall be:</p> <ul style="list-style-type: none">Equipped with an activated carbon filtration system for	<p>In the EFU Zone:</p> <ul style="list-style-type: none">A building used for marijuana processing shall		

	MAC PROVISIONAL RECOMMENDATIONS: EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY ADOPTED	JACKSON COUNTY PC RECOMMENDATION	OLCC (Recreational)	OHA PROPOSED RULES (Medical)
	<p>houses, and other similar structures, used for marijuana production or marijuana processing. (March 2)</p> <p>CONSENSUS</p> <ol style="list-style-type: none">Buildings for production and processing in EFU shall be equipped with an effective odor control system that prevents unreasonable interference of neighbors' use and enjoyment of their propertyAn odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the system will control odor.Private citizen complaints about odor are authorized, as judged by persons of ordinary sensibilities.The system shall consist of one or more fans.The fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three.The filter(s) shall be rated for the required CFM.The system shall be maintained in working order and shall be in use. <p>(March 9)</p>	<p>Filtration system</p> <ul style="list-style-type: none">Consist of 1 or more fans.The fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. <p>The filter(s) shall be rated for the required CFM.</p>	<ul style="list-style-type: none">Consist of 1 or more fans.The fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three.The filter(s) shall be rated for the required CFM.The filtration system shall be maintained in working order and shall be in use. <p>An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the carbon filtration system otherwise required.</p>	<p>odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.</p> <ul style="list-style-type: none">The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.Negative air pressure shall be maintained inside the building.Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.The filtration system shall be designed by a mechanical engineer licensed in the State of Oregon. The engineer shall stamp the design and certify that it complies with Subsection 841.03(G). <p>An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required.</p>	<p>be equipped with a carbon filtration system for odor control.</p> <ul style="list-style-type: none">The system shall consist of one or more fans and filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the square footage of the building floor space (i.e., one CFM per square foot of building floor space).The filter(s) shall be rated for the applicable CFMThe filtration system shall be maintained in working order and shall be in use. <p>An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the carbon filtration system otherwise required.</p>		

	MAC PROVISIONAL RECOMMENDATIONS: EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY ADOPTED	JACKSON COUNTY PC RECOMMENDATION	OLCC (Recreational)	OHA PROPOSED RULES (Medical)
Lighting	CONSENSUS 1. Inside building lighting used for marijuana production shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. on the following day. 2. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day. 3. Light cast by exterior light fixtures other than marijuana grow lights (i.e. security lights) shall not trespass onto adjacent lots. 4. Lighting fixtures shall be fully shielded in such a manner that all light emitted directly by the lamp or a diffusing element, or indirectly by reflection or refraction, is projected below the horizontal plane through the lowest light-emitting part. 5. This lighting standard will apply to existing production and processing sites after one year. (March 9)	<ul style="list-style-type: none"> Light cast by light fixtures inside any building, including greenhouses, shall be screened or shielded from view outside the building to the maximum extent possible from sunset to sunrise the following day. Outdoor marijuana grow lights shall not be illuminated from sunset to sunrise the following day. Light cast by exterior light fixtures shall comply with the outdoor lighting standards of DCC 15.10. 	General consensus to mitigate light and preserve dark skies, but no consensus on to what extent or method (i.e., require shielding or obscuring roof/walls of greenhouses). <ul style="list-style-type: none"> Light cast by light fixtures inside any building, including greenhouses, shall be screened or shielded from view outside the building to the maximum extent possible from sunset to sunrise the following day. Outdoor marijuana grow lights shall not be illuminated from sunset to sunrise the following day. Light cast by exterior light fixtures shall comply with the outdoor lighting standards of DCC 15.10.	<ul style="list-style-type: none"> Light cast by light fixtures inside any building used for marijuana production or marijuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day. Light cast by exterior light fixtures other than marijuana grow lights (e.g., security lights, driveway lights) shall not be directed skyward and shall be directed within the boundaries of the subject property.	In the EFU Zone: <ul style="list-style-type: none"> Outdoor marijuana processing lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day. Light cast be exterior light fixtures (i.e. security lights) shall not trespass onto adjacent lots. Lighting fixtures shall be fully shielded in such a manner that all light emitted directly by the lamp or a diffusing element or indirectly by reflection or refraction is projected below the horizontal plane through the lowest light-emitting part.		
Security Cameras		Shall be directed to record only the subject property and public rights-of-way.	If security cameras are used, they shall be directed to record only the subject property and public rights-of-way, except as required to comply with licensing requirements of the Oregon Liquor Control Commission (OLCC) or registration requirements of the Oregon Health Authority (OHA).	Shall be directed to record only the subject property and may be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the Oregon Liquor Control Commission (OLCC).	In the EFU Zone: Shall be directed to record only the subject property and public rights-of-way, except as required to comply with licensing requirements of the Oregon Liquor Control Commission or registration requirements of the Oregon Health Authority.		
Secure Disposal		<ul style="list-style-type: none"> Secure disposal of discarded marijuana items shall be provided. Marijuana items shall not be placed within exterior refuse containers on the subject property.	Store marijuana waste in a secured waste receptacle in the possession of and under the control of the licensee.	Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee.	In the EFU Zone: Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the licensee.	Store marijuana waste in a secured waste receptacle in the possession of and under the control of the licensee.	
Noise	CONSENSUS 1. Marijuana processing and production sites in EFU shall comply with the Noise Control Standards of DCC 8.08.	<ul style="list-style-type: none"> Compliance with the Noise Control Standards of DCC 8.08. Noise from mechanical equipment used shall not	Move to Noise Control Ordinance 8.08, and apply to all marijuana processing building and mechanical equipment outside of a commercial or industrial zone.	The applicant shall submit a noise study by an acoustic engineer licensed in the State of Oregon. The study shall demonstrate that generators as			

	MAC PROVISIONAL RECOMMENDATIONS: EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY ADOPTED	JACKSON COUNTY PC RECOMMENDATION	OLCC (Recreational)	OHA PROPOSED RULES (Medical)
	<p>2. Noise from mechanical equipment used shall not produce sound that, when measures at any lot line of the subject property, exceed 50 dB(A) anytime between 10:00 pm and 7:00 am the following day.</p> <p>3. This standard applies to existing medical marijuana sites, as well as any prospective sites. (March 9)</p>	<p>produce sound that, when measured at any lot line of the subject property, exceed 50 dB(A) anytime between 10:00 p.m. and 7:00 a.m. the following day.</p>		<p>well as mechanical equipment used for heating, ventilating, air conditioning, or odor control will not produce sound that, when measured at any lot line of the subject property, exceeds 50 dB(A).</p>			
Screening		<p>Land area and buildings, including greenhouses, shall be screened in the following manner:</p> <p>a. A row of evergreen trees or shrubs along the outside perimeter of the land area and buildings, including greenhouses, shall be no less than 4 feet in height when planted, and spaced in such a way as to reduce the visual impacts of the land areas and buildings as viewed from roads, rivers, streams, and abutting private properties.</p> <p>b. Vegetation shall be continuously maintained.</p> <p>c. Combination of existing vegetation, berming, topography, wall, fence, or other can be used.</p> <p>d. All materials used for buildings, structures, and fencing, excluding greenhouses shall be finished in muted earth tones that blend with and reduce contrast with the surrounding vegetation and landscape of the marijuana production and processing area.</p>	<p>Do not apply to buildings and greenhouses for new operations because OLCC's security and site obscuring requirements combined with Planning Commission recommendations (i.e., increased setbacks) will mitigate impacts.</p> <p>These standards should only apply to existing, non-conforming operations, including buildings and greenhouses to mitigate impacts:</p> <p>a. A row of evergreen trees or shrubs along the outside perimeter of the land area and buildings, including greenhouses, shall be no less than 4 feet in height when planted, and spaced in such a way as to reduce the visual impacts of the land areas and buildings as viewed from roads, rivers, streams, and abutting private properties.</p> <p>b. Vegetation shall be continuously maintained.</p> <p>c. Combination of existing vegetation, berming, topography, wall, fence, or other can be used.</p> <p>d. All materials used for buildings, structures, and fencing, excluding greenhouses shall be finished in muted earth tones that blend with and reduce contrast with the surrounding</p>				

	MAC PROVISIONAL RECOMMENDATIONS: EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY ADOPTED	JACKSON COUNTY PC RECOMMENDATION	OLCC (Recreational)	OHA PROPOSED RULES (Medical)
			vegetation and landscape of the marijuana production and processing area.				
Water Source		Applicant shall submit proof of a water right for the proposed marijuana processing, or proof of access to a public or community water system.	The applicant shall submit proof from the watermaster that proposed water supply complies all applicable local, state, and federal laws.	The applicant shall submit: 1. A water right permit or certificate number for the proposed marijuana processing; 2. A statement that water is supplied from a public or private water provider, along with the name and contact information of the water provider; or 3. Proof from the Oregon Water Resources Department that the water to be used for marijuana production or marijuana processing is from a source that does not require a water right.	In the EFU Zone: The applicant shall provide: 1. A water right permit or certificate number; 2. A statement that water is supplied from a water provider along with the name and contact information of the public water provider; or Proof from the Oregon Water Resources Department that the water to be used for production is from a source that does not require a water right.		
Fire Protection		In the MUA-10 Zone: Type 2 Marijuana Processing shall only be permitted on properties located within a fire district.	Processing of cannabinoid extracts shall only be permitted on properties located within or under contract with a fire district.			Processors of cannabinoid extracts shall: Meet any required fire, safety, and building code requirements specified in: 1. Applicable Oregon laws; 2. National Fire Protection Association (NFPA) standards; 3. International Building Code (IBC); 4. International Fire Code (IFC);	Processors of cannabinoid extracts shall: Meet any required fire, safety, and building code requirements specified in: 1. Oregon state law; 2. National Fire Protection Association (NFPA) standards; 3. International Building Code (IBC); 4. International Fire Code (IFC).
Indoor Processing		In the MUA-10 Zone: <ul style="list-style-type: none"> Marijuana processing shall be located entirely within one or more completely enclosed buildings, including greenhouses. A maximum of 3,000 square feet of building space may be used for all activities associated with marijuana processing on the subject property. If only a portion of a building is authorized for use in marijuana production or marijuana processing, a partition wall at least seven feet in height, or a height as required by the County Building Codes Division, whichever is greater, shall	Processing not permitted in the MUA-10 zone. Therefore, the originally proposed indoor processing requirement is not applicable.	In the AG/F and EFU Districts: Marijuana processing shall be located entirely within one or more completely enclosed buildings.			

	MAC PROVISIONAL RECOMMENDATIONS: EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY ADOPTED	JACKSON COUNTY PC RECOMMENDATION	OLCC (Recreational)	OHA PROPOSED RULES (Medical)
		separate the marijuana production or marijuana processing space from the remainder of the building. A partition wall may include a door, capable of being closed, for ingress and egress between the marijuana production or marijuana processing space and the remainder of the building.					
On-Site Residency		In the MUA-10 Zone: An owner of the subject property shall reside in a dwelling unit on the subject property.	Processing not permitted in the MUA-10 zone. Therefore, the originally proposed residency requirement is not applicable.	In the FF-10 and RRFF-5 Districts: A minimum of one of the following shall reside in a dwelling unit on the subject property: 1. An owner of the subject property; or 2. A holder of an OLCC license for marijuana production, provided that the license applies to the subject property.			
Nonconformance		Shall comply with odor, lighting, security camera, secure disposal, noise, and screening requirements by 12/31/16.	Shall comply with odor, lighting, security camera, secure disposal, noise, and screening requirements by 12/31/16.				
On-Site Sales Prohibited					In the Industrial Zones: No on-site retail sales are allowed.		
Outdoor Storage Prohibited					In the Industrial Zones: No outdoor storage of marijuana in any form, including remnants, by-products and waster is permitted.		
Processing Method Limitation					In the EFU Zone: Only dry, water or CO-2 processing is allowed.		
Temporary Residences Prohibited					In the EFU Zone: Use of tents, and recreational or camping vehicles for overnight stays, as living space is not allowed in conjunction with marijuana processing.		
Minors						Minors are not permitted at the licensed premise except for unique, limited circumstance (i.e. minor plumber).	Minors are not permitted to be present in any limited access area of a registered processing site.
Consumption						Product may not be consumed at a licensed premise.	The ingestion, inhalation or topical application of a marijuana item anywhere on the premises of the processing site is prohibited except as allowed for

	MAC PROVISIONAL RECOMMENDATIONS: EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY ADOPTED	JACKSON COUNTY PC RECOMMENDATION	OLCC (Recreational)	OHA PROPOSED RULES (Medical)
							medical marijuana patients.

Related Definitions Originally Proposed And Recommended By The Planning Commission:

“Cannabinoid” means any of the chemical compounds that are the active constituents of marijuana.

“Cannabinoid concentrate” means a substance obtained by separating cannabinoids from marijuana by a mechanical extraction process; a chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol, or ethanol; a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.

“Cannabinoid edible” means food or potable liquid into which a cannabinoid concentrate, cannabinoid extract, or dried marijuana leaves or flowers have been incorporated.

“Cannabinoid extract” means a substance obtained by separating cannabinoids from marijuana by a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane; a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure; or any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.

“Cannabinoid product” means a cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair, that contains cannabinoids or dried marijuana leaves or flowers. Cannabinoid product does not include usable marijuana by itself, a cannabinoid concentrate by itself, a cannabinoid extract by itself, or industrial hemp as defined in Oregon Revised Statutes 571.300.



Deschutes County Board of Commissioners
1300 NW Wall St., Bend, OR 97703-1960
(541) 388-6570 - Fax (541) 385-3202 - www.deschutes.org

BUSINESS MEETING AGENDA

DESCHUTES COUNTY BOARD OF COMMISSIONERS

10:00 A.M., MONDAY, MARCH 21, 2016

Commissioners' Hearing Room - Administration Building - 1300 NW Wall St., Bend

Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered or discussed at the meeting. This notice does not limit the ability of the Board to address additional subjects. Meetings are subject to cancellation without notice. This meeting is open to the public and interested citizens are invited to attend. Business Meetings are usually recorded on video and audio, and can be viewed by the public live or at a later date; and written minutes are taken for the record.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. CITIZEN INPUT

This is the time provided for individuals wishing to address the Board, at the Board's discretion, regarding issues that are not already on the agenda. Please complete a sign-up card (provided), and give the card to the Recording Secretary. Use the microphone and clearly state your name when the Board Chair calls on you to speak. PLEASE NOTE: Citizen input regarding matters that are or have been the subject of a public hearing not being conducted as a part of this meeting will NOT be included in the official record of that hearing.

If you offer or display to the Board any written documents, photographs or other printed matter as part of your testimony during a public hearing, please be advised that staff is required to retain those documents as part of the permanent record of that hearing.

CONSENT AGENDA

4. **Board Signature** of Order No. 2016-016, Declaring Surplus and Disposition of Personal Property
5. **Board Signature** of Document No. 2016-131, Appointing a Successor Trustee; Authorize County Legal Counsel to Sign Document No. 2016-132, a Deed of Reconveyance
6. **Board Signature** of Document No. 2016-130, a Quitclaim Deed to Remove a Deed Restriction for a Wildland Fire Fuel Reduction Agreement
7. **Board Signature** of Document No. 2016-191, an Acceptance Deed for a Permanent Easement for the Tetherow Bridge Replacement Project
8. **Board Signature** of Document No. 2016-193, an Acceptance Deed for a Permanent Easement for the Tetherow Bridge Replacement Project
9. **Board Signature** of Document No. 2016-194, an Intergovernmental Agreement for Safety Improvements to Cline Falls Highway and Powell Butte Highway
10. **Board Signature** of Document No. 2016-181, a Right-of-Way License Allowing Town of Tumalo Signage
11. **Board Signature** of Letters regarding the Deschutes River Mitigation and Enhancement Committee:
 - Accepting the Resignation of Matt Schinderman, and Thanking him for his Service
 - Reappointing Patrick Griffiths, Derek Staab and Amy Stuart, through February 28, 2019
12. **Board Signature** of Letters regarding the Deschutes County Historical Landmarks Commission:
 - Accepting the Resignation of Ray Solley, and Thanking him for his Service
 - Reappointing Christine Horting-Jones, Kelly Madden, Dennis Smidling, Broc Stenman and Rachel Stemach, through March 31, 2020
13. **Board Approval** of Discretionary Grant Funds to City Club, for \$250
14. **Board Signature** of Minutes:
 - Business Meetings of February 29, and March 2 and 9, 2016
 - Work Sessions of March 7 and 9, 2016

ACTION ITEMS

15. **A PUBLIC HEARING** and Consideration of Signature of Order No. 2016-015, for the Withdrawal of Property from Sun Mountain Special Road District – *David Doyle, County Counsel*

Suggested Actions: Open hearing, take testimony, close hearing, and move Board signature of Order No. 2016-015.

16. **CONSIDERATION** of a Staff Update regarding the Marijuana Advisory Committee and Related Marijuana Matters – *Nick Lelack, Community Development Department*

PLEASE NOTE: This is NOT a public hearing, but a work session topic for Board discussion.

17. **OTHER ITEMS**

These can be any items not included on the agenda that the Commissioners wish to discuss as part of the meeting, pursuant to ORS 192.640.

At any time during the meeting, an executive session could be called to address issues relating to ORS 192.660(2)(e), real property negotiations; ORS 192.660(2)(h), litigation; ORS 192.660(2)(d), labor negotiations; ORS 192.660(2)(b), personnel issues; or other executive session categories. Executive sessions are closed to the public; however, with few exceptions and under specific guidelines, are open to the media.

CONVENE AS THE GOVERNING BODY OF THE 9-1-1 COUNTY SERVICE DISTRICT

18. **CONSIDERATION of Approval** of Weekly Accounts Payable Vouchers for the 9-1-1 County Service District (two weeks)

CONVENE AS THE GOVERNING BODY OF THE EXTENSION/4-H COUNTY SERVICE DISTRICT

19. **CONSIDERATION of Approval** of Weekly Accounts Payable Vouchers for the Extension/4-H County Service District (two weeks)

RECONVENE AS THE DESCHUTES COUNTY BOARD OF COMMISSIONERS

20. CONSIDERATION of Approval of Weekly Accounts Payable Vouchers for Deschutes County (two weeks)

21. OTHER ITEMS

These can be any items not included on the agenda that the Commissioners wish to discuss as part of the meeting, pursuant to ORS 192.640.

At any time during the meeting, an executive session could be called to address issues relating to ORS 192.660(2)(e), real property negotiations; ORS 192.660(2)(h), litigation; ORS 192.660(2)(d), labor negotiations; ORS 192.660(2)(b), personnel issues; or other executive session categories. Executive sessions are closed to the public; however, with few exceptions and under specific guidelines, are open to the media.

22. ADJOURN

To watch this meeting on line, go to:

<http://www.deschutes.org/bcc/page/board-meeting-videos>

Please note that the video will not show up until recording begins.

You can also view past meetings on video by selecting the date shown on the website calendar.



Deschutes County encourages persons with disabilities to participate in all programs and activities. To request this information in an alternate format please call (541) 617-4747, or email ken.harms@deschutes.org.

FUTURE MEETINGS:

(Please note: Meeting dates and times are subject to change. All meetings take place in the Board of Commissioners' meeting rooms at 1300 NW Wall St., Bend, unless otherwise indicated. If you have questions regarding a meeting, please call 388-6572.)

Monday, March 21

10:00 a.m. Board of Commissioners' Business Meeting

Wednesday, March 23

1:30 p.m. Administrative Work Session – could include executive session(s)

Monday, March 28

10:00 a.m. Board of Commissioners' Business Meeting

1:30 p.m. Administrative Work Session – could include executive session(s)

Wednesday, March 30

10:00 a.m. Board of Commissioners' Business Meeting

1:30 p.m. Administrative Work Session – could include executive session(s)

Monday, April 4

10:00 a.m. Board of Commissioners' Business Meeting

1:30 p.m. Administrative Work Session – could include executive session(s)

Tuesday, April 5

3:30 p.m. Regular Meeting of Public Safety Coordinating Council

Wednesday, April 6

10:00 a.m. Board of Commissioners' Business Meeting

1:30 p.m. Administrative Work Session – could include executive session(s)

Thursday, April 7

8:00 a.m. Joint Meeting with the Sisters City Council, **at Sisters City Hall**

Wednesday, April 13

10:00 a.m. Board of Commissioners' Business Meeting

1:30 p.m. Administrative Work Session – could include executive session(s)

Monday, April 18

10:00 a.m. Board of Commissioners' Business Meeting

1:30 p.m. Administrative Work Session – could include executive session(s)

Tuesday, April 19

10:00 a.m. 911 User Board Meeting, at 911

Monday, April 25

10:00 a.m. Board of Commissioners' Business Meeting

1:30 p.m. Administrative Work Session – could include executive session(s)

Wednesday, April 27

10:00 a.m. Board of Commissioners' Business Meeting

1:30 p.m. Administrative Work Session – could include executive session(s)

Monday, May 2

10:00 a.m. Board of Commissioners' Business Meeting

1:30 p.m. Administrative Work Session – could include executive session(s)

Tuesday, May 3

3:30 p.m. Regular Meeting of Public Safety Coordinating Council

Wednesday, May 4

10:00 a.m. Board of Commissioners' Business Meeting

1:30 p.m. Administrative Work Session – could include executive session(s)

Tuesday, May 10

6:30 p.m. Joint Meeting with Redmond City Council, **Redmond City Hall**

Wednesday, May 11

10:00 a.m. Board of Commissioners' Business Meeting

1:30 p.m. Administrative Work Session – could include executive session(s)

Thursday, May 12

7:30 p.m. Centennial Theatrical Production – Deschutes Historical Museum

Monday, May 16

10:00 a.m. Board of Commissioners' Business Meeting

1:30 p.m. Administrative Work Session – could include executive session(s)

Tuesday, May 17

10:00 a.m. 911 User Board Meeting, at 911

Monday, May 23

10:00 a.m. Board of Commissioners' Business Meeting

1:30 p.m. Administrative Work Session – could include executive session(s)

Wednesday, May 25

10:00 a.m. Board of Commissioners' Business Meeting

1:30 p.m. Administrative Work Session – could include executive session(s)

Monday, May 30

Most County offices will be closed to observe Memorial Day.

Tuesday, May 31 – Friday, June 3

Budget Week



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