



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

WEDNESDAY, MAY 4, 2016

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

Present were Commissioners Alan Unger, Tammy Baney and Anthony DeBone. Also present were County Administrator Tom Anderson and Deputy County Administrator Erik Kropp; Dave Doyle, County Counsel; Nick Lelack and Matt Martin, Community Development; Whitney Malkin, Communications; Judith Ure, Administration; and approximately thirty other citizens, including representatives of the media.

1. CALL TO ORDER

Chair Alan Unger called the meeting to order at 10:00 a.m. He explained the Board will handle some regular business first, but the bulk of the meeting will be spent addressing marijuana land use deliberations.

2. PLEDGE OF ALLEGIANCE

3. CITIZEN INPUT

Commissioner Baney read a statement regarding comments made at the Monday hearing that compared marijuana grow sites to concentration camps. This and some other comments gave her pause, so she decided this should not be casually overlooked. *(A copy of her statement is attached.)*

CONSENT AGENDA

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.

4. Board Signature of Order No. 2016-019 and No. 2016-020, Reappointing Justices of the Peace Pro-tem: Gregory Colvin (through May 15, 2017) and David A. Pardo (through February 28, 2017)
5. Board Signature of Resolution No. 2016-013, Increasing the Change Fund for Solid Waste Locations
6. Board Signature of a Letter Accepting the Resignation of Katrina Wiest from the Deschutes County Public Health Advisory Board, and Thanking her for her Service
7. Board Ratification of Approval of Economic Development Grant Requests: Fundraising Activities
 - La Pine Lions Club Foundation: Concession Trailer, \$2,000.
 - Saving Grace: Heroes' Luncheon, \$1,200.
 - Sunriver Music Festival: Festival Faire, \$1,000.
 - Coalition for Human Dignity: \$1,500 Fundraiser Pride Event, \$1,200.
 - Bethlehem Inn: Spotlight on Homelessness, \$2,500.
 - Band of Brothers: Military Ball, \$1,800.Program/Project Grant Requests
 - NeighborImpact: Transitional Housing Program, \$2,500.
 - Tower Theatre Foundation: Lesson PLAN Education Outreach for student curriculum, \$1,000.
 - Central Oregon Symphony Association: Symphony Outreach, \$1,500.

- Sunriver Anglers: Youth Education to provide a free youth fishing day, \$500.
 - Sisters Park & Recreation District: Senior Programs Fitness program scholarship, \$1,000.
 - Bend 2030: Bend Livability Project for a one-time event, \$2,500.
 - Women’s Civic Improvement League: KPOV Radio Signal & Reach Expansion, \$1,500.
 - Leadership Bend: Central Oregon Impact Summit to bring non-profits together for training, \$2,500.
 - Cloverdale Rural Fire Protection District: Hose Replacement for wildland urban interface, \$1,881.68.
 - Citizens 4 Community: Sisters Country Civility Project, \$1,000.
 - Stage Right Productions – 24/Seven Theatre Project, \$1,000.
8. Board Approval of an Economic Development Forgivable Business Loan to SNJ Enterprises LLC, dba Zamp Solar, for \$21,000
9. Board Signature of Minutes:
- Work Sessions: April 25 and 27, 2016
 - Business Meeting: April 18 and 27, 2016

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

10. **Before the Board was Consideration of Approval of Weekly Accounts Payable Vouchers for the 9-1-1 County Service District in the Amount of \$732.70.**

DEBONE: Move approval, subject to review.

BANEY: Second.

VOTE: DEBONE: Yes.

BANEY: Yes.

UNGER: Chair votes yes.

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

11. **Before the Board was Consideration of Approval of Weekly Accounts Payable Vouchers for the Extension/4-H County Service District in the Amount of \$1,290.35.**

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

12. Before the Board was Consideration of Approval of Weekly Accounts Payable Vouchers for Deschutes County in the Amount of \$719,141.04.

Tom Anderson stated that this week's bills include printing and mailing of election materials. The Motor Voter Bill did increase registration by a lot.

DEBONE: Move approval, subject to review.

BANEY: Second.

VOTE: DEBONE: Yes.

BANEY: Yes.

UNGER: Chair votes yes.

ACTION ITEMS

13. Before the Board was Consideration of the Reading and Adoption of a Proclamation Declaring May 2016 Historic Preservation Month in Deschutes County.

Chair Unger read the Proclamation.

BANEY: Move approval, subject to review.

DEBONE: Second.

VOTE: BANEY: Yes.

DEBONE: Yes.

UNGER: Chair votes yes.

Matt Martin said the cities and others are coordinating centennial events through an extensive planning effort. He provided posters that highlight the activities, including a bike tour, hikes, and a Bend Elks' baseball game.

Commissioner DeBone said there is a big schedule of events. There is a production kicking off the event called “The Faces of Deschutes County”, and a traveling historical display as well. He presented baseballs to the Commissioners so perhaps they can throw out the first pitches at the game. He also provided them with centennial lapel pins.

Chair Unger thanked Commissioner DeBone for taking the lead on this celebration.

14. Before the Board were Deliberations and Decisions on Marijuana Land Use Regulations (zoning, siting, licensing, whether to opt out, and related issues).

Chair Unger said they will begin the process of deliberations and refining the various aspects of this big issue. Nick Lelack gave a PowerPoint presentation to explain the process and a proposed timeframe.

They will deliberate the use categories and time, place and manner; whether to opt in or opt out except for medical; dispensaries; production and processing, recreational and wholesale. There is a lot of material to discuss and many issues to address.

Use categories would be discussed at the same time. Other particulars would be handled the same way. He said some people don't like them using the terms 'recreational' or 'marijuana', but they are using the language as it is in State law.

There are existing medical grow sites that would be required to comply with use standards, with a set timeline. This includes processing. Any processing of a farm crop in the unincorporated areas requires a permit now. If processing is allowed, it will have to comply with any specific regulations.

Use standards will be deliberated as specific use standards. There will be references to the matrix, other documents and citizen input.

They will begin with the Marijuana Advisory Committee consensus items, and then move to those that did not reach consensus. They will then deal with those items not addressed by the MAC. This will be at a very high level, and will include what has come in as public input.

If the Board feels there is enough information to do so, they will deliberate and decide on a specific use standard. When a use category has been addressed, that use can be discussed further as to whether to opt in or opt out. If the Board opts in, they will decide which zones are applicable. This does not affect in any way what happens within the cities or citizens' personal use. They will then decide whether it is a permanent use or should be limited.

It is important for the public to understand what this all means. The Board will direct staff to prepare ordinances that will become part of Code if adopted. Findings will have to be developed and need to be applicable to laws. The ordinances traditionally are effective 90 days after adoption, but the Board can choose to have them be effective in a shorter timeframe.

Production Specific Use Standards include:

- Production Zones
- Processing Specific Use Standards – much will be the same as for production
- Processing Zones
- Retail and Dispensary Specific Use Standards
- Wholesale Specific Use Standards

All of these will ultimately take into account the recommendations of the MAC, the Planning Commission and public input.

Once all of this has been completed, it will be packaged accordingly and all approved at the same time.

Commissioner DeBone said that HB 3400, Measure 91, and amendments have been reviewed. He acknowledged this is a huge job with a lot of passion on many sides. This is where the rubber meets the road. He thanked staff and the public for weighing in.

Matt Martin began with home occupations. The MAC consensus was that this be prohibited. It otherwise might be subject to review. It would only be allowed in a zone where marijuana production is allowed. Production is a separate use for this property. He referred to the matrix for marijuana production.

Commissioner Baney suggested that this as a home occupation not be allowed. Chair Unger agreed, as did Commissioner DeBone.

Commissioner Baney said they should begin small, and look to add or adjust in the future if and when it makes sense. This is a general statement, being more restrictive, but there is not much that can't be adjusted. Chair Unger noted that home occupation businesses involve families and he would like to see some separation.

Regarding lighting, Nick Lelack said that the MAC reached consensus on this. It is listed on page 9 of the matrix. The MAC recommendation differed slightly from the Planning Commission's recommendation regarding hours. It could be a specific timeframe, or from sunrise to sundown. He is not sure if this should be a part of the dark skies ordinance.

Commissioner Baney wants to approach this in general, for both medical and recreational. The impacts are the same, so she would look at these in the same way. Chair Unger said that they are one and the same, and they can make future refinements as to the timeframe.

Commissioner DeBone read the wording as to 7 a.m. to 7 p.m. Dark skies are important to residents in the country. He asked about the recommendation giving existing sites a year to comply. Mr. Lelack replied that there are over 1,700 medical grow sites, but the Oregon Health Authority will not share where these are located, and some might be in the cities. Any existing medical grow sites outside the cities would be subject to this standard within a year. The County would notify OHA that this is a requirement so they can let the growers know, unless the information is released to the County.

Commissioner DeBone stated that there is no need or reason for a brightly lit translucent structure in the rural areas. He is not supportive of allowing a year for compliance. Commissioner Baney asked if there is going to be some kind of inspection, fee or another way to determine where these grows are located. Commissioner DeBone said that lights should be off or shaded. He does not want to allow for a whole year, and feels they should be able to figure this out faster than that.

Commissioner Baney stated they don't know the trigger points for this. Someone could be raising lavender or anything else, but still need to be folded into the dark skies ordinance. Chair Unger said that they need to track issues that need more clarification in the ordinances. Mr. Lelack noted that he can work with OHA to provide notice. There is also the opportunity of code enforcement complaints that might allow them to deal with a particular issue faster.

Mr. Lelack stated that in general, it appears that the Board supports the consensus or the recommendations of the MAC on this issue. Commissioner Baney wants this type of thing to be more general, to cover all the items. No matter what something is related to, when it comes to lighting, the impact on dark skies needs to be mitigated. It needs to fit all products and situations. However, indoor has not been addressed yet.

Chair Unger is concerned that they might get appeals regarding the medical grows, and regarding the dark skies ordinance in general. He would like to deal with just marijuana issues first. He wants to strengthen the dark skies ordinance to address interior lights regardless of the use. Commissioner DeBone said that this has not been a big issue in the past, and most people have been considerate in most situations, until now. Commissioner Baney would like it written to address indoor lighting that affects outdoor areas as well, but she is open to suggestions.

Mr. Martin brought up the issue of odor control, on page 7 of the matrix. There was consensus of the MAC for buildings, including greenhouses and similar structures. This is similar to the recommendations of the Planning Commission and from Clackamas County. They added language not limiting filtration to carbon, to make it broader to simply being an effective odor control system. There would be opportunities to file complaints. Whatever the system, it has to be used and maintained. This would be retroactive to existing medical grows within a year, unless the Board wants to adjust this language.

Mr. Lelack stated that there were a lot of public comments received regarding odor. Some specifically want the carbon filtration systems used, but the MAC did not specify this. There might be other current or future options and technologies to consider.

Commissioner Baney wants to see them use the best technology available. She doesn't want someone to set up something that will be outdated right away. Commissioner DeBone said what is important is that it works. There could be building designs that help with this as well. Maybe they should not limit it to fans. Chair Unger observed that fans also make noise. Tom Anderson noted that the issue of 'best available technology' came up when they were dealing with septic systems. 'Best available' may be more expensive than what is actually needed or works. He would refer to 'effective', and not necessarily 'best available'.

Commissioner DeBone said that someone could have a hoop tunnel without ends, when some people think it should have ends. It needs to be enclosed with doors. Chair Unger stated that odor should be controlled at the property so as to not affect the neighbors. This is similar to what is listed for Clackamas and Jackson counties. It is reasonable to use this language. It gets it going and it can be adjusted as necessary in the future. Commissioner Baney would like to alter it a little bit regarding the use of fans. There might be alternatives to fans that will control things as well or better. *(The Board reached consensus on this item.)*

Mr. Lelack stated that odor is one of the biggest issues. Standards can be effective, but someone may want to grow their personal four plants and that is something the County cannot control. Regulations would be applicable to commercial grow sites only.

Chair Unger said that hemp is something that some people want to grow, but as an agricultural crop it is regulated differently. Commissioner Baney asked if they are accepting citizen complaints on this as well. She is concerned about neighbors wanting to cause difficulties in this emotionally charged issue.

Chair Unger asked how the complaints move forward, anonymous or not, and how does someone determine if there is risk to an individual or if the complaint is even valid. Commissioner Baney said there have been issues in the past where some people would drive to other areas and file complaints on activities there, even though they were not affected neighbors. She would want to know the complaining party is actually a neighbor and is truly being impacted. It does not have to be public, but Community Development would need to be able to establish that there is a legitimate complaint.

Chair Unger added that they need to be able to demonstrate actual harm. Commissioner DeBone supports the concept that they need to be directly affected and not someone looking for violations as a hobby.

Mr. Lelack said that citizens have to sign a complaint, so it won't be anonymous forever. Building officials may notice something during their normal course of work, without having received a complaint, too. The challenge is if CDD doesn't find a reason for the complaint and litigation results. Commissioner Baney stated that some might not be comfortable making a call or complaint at all.

In regard to noise, Mr. Lelack said they have received a lot of comments on this issue. It is shown on the matrix, page 9. The MAC supports certain recommendations as listed. The noise control ordinance gives exceptions for farm uses, so the Board needs to determine if this should be handled differently.

Other counties list a maximum allowable of 60 decibels. However, many people feel that sound carries further at higher elevations or if there is open space; and at night. Commissioner Baney stated that the challenge is managing ongoing noise, not the intermittent noises like you might find with regular farming activities. Traditional farm practices do not produce an ongoing and constant decibel level. It is seasonal at worst, not 365 days a year. She wants to be holistic, whatever the product, and have them mitigated on an ongoing basis.

Chair Unger asked if they would look at property lines. Commissioner Baney replied that ongoing and consistent noise of 50 decibels or more is too high. Chair Unger agreed, and feels that fans should have a decibel limit, but asked what are the standards and expectations for a quiet, rural area. This is a challenge, and it might be hard to get there.

Commissioner Baney noted that there can be variations in the technology and some fans might not produce as much noise. She wants to find a balance. Commissioner DeBone asked if she wants to see a level of lower than 50 decibels. Chair Unger stated that he supports this, but asked how to come up with a standard and what will be considered too loud, and what about daytime and nighttime hours. Maybe there should be a process through the industry to learn more about the technology. They could set up something reasonable now based on what works elsewhere, and adjust this as needed.

Commissioner DeBone said that very different conditions might carry the sound differently. You can hear trains from a long way off, but it is intermittent. Commissioner Baney said this could be counted from the lot line, but in terms of other setbacks for odor, etc., perhaps they should look at this from the residence. Chair Unger asked if this would be measured from a deck.

Commissioner DeBone noted that noise is tricky. They can talk about less than 50 decibels, maybe within certain timeframes. It also has to be measurable, so how do you do that. Mr. Lelack stated that the MAC talked about all of this. The original proposal was a maximum of 50 decibels between 10 p.m. to 7 a.m., but 40 or 45 might be what ends up as appropriate. Chair Unger said they need to set a standard so they have something to work from. They can then determine what the differences are. He is recognizing that this would be a constant noise, and this is what bothers people. Mr. Lelack stated that they have good information in the record on decibels, but no specific decibels are indicated in the recommendation.

Mr. Martin said the County's noise ordinance relates to unreasonably loud or raucous noise, such as blowers, power fans, compressors, etc. that need to be muffled so that they don't disturb people more than thirty feet away. But this has come up against the right to farm laws.

Commissioner DeBone asked if there is Board consensus of 50 decibels. Commissioner Baney wants it lower than that, and further discussion. Chair Unger agreed. Commissioner DeBone added that they can come up with something so this won't be a show stopper. They have a lot of other big decisions to consider.

Minimum Separation Distances were then addressed. Mr. Martin said this is in the matrix at the bottom of page 5. The MAC reached partial consensus. They agreed to a minimum separation distance of 1,000 feet from schools, licensed childcare facilities, public parks, youth activity centers and a few others. They agreed to measure from the lot line of the school to the marijuana premises. A new sensitive use coming in would not cause a violation. If a medical grow site wants to convert or add recreational, it would be subject to this regulation.

Commissioner Baney noted that they can't currently restrict medical grows, and asked if this can be done. By the OHA letting medical growers sell recreational products to adults, would they then be doing both.

Mr. Martin said that medical grow sites can sell excess production on the recreational market, and there is a hybrid license available to do both, but they need an OLCC recreational license as well. He does not know the long-term opportunities for medical grows to provide a recreational product.

Commissioner Baney asked if the OLCC requires separation distances. Mr. Martin replied that this is only a local standard. The OLCC only requires separation from another retail outlet.

Chair Unger stated that the medical grows already established for years were small and most had little impact. All should be 1,000 feet from schools. If they also grow for recreational, this creates issues. It has been a problem in a few places that the County now knows about. He would like the 1,000 feet enforced for both small and big grows.

Commissioner Baney said they need to consider what might need to be revisited in the future due to legislation. The moment the State allowed medical growers to sell their surplus on the recreational market, it showed that the legislature thinks a plant is a plant. She doesn't want to ask in a few years, what happened. She wants to view standards beyond today and impose the same restrictions for both.

Commissioner DeBone asked if items 1, 2 and 3 are complete standards. Mr. Martin replied that this is consistent with what the Planning Commission recommended. The intent is that 1,000 feet would apply to new medical or recreational. The consideration was whether they can apply this to an existing site, and that there might be legal consequences due to the medical side of this. The MAC did not agree on having any separation or expanding the list for separation to include churches and other uses, or with the three miles between OLCC processing sites. Commissioner DeBone said that the consensus items seem to be complete.

Commissioner Baney asked if the OLCC wants more separation from other growers to narrow the total number. Mr. Martin responded that he does not know if this was the intent, but it would do this to a point. The primary intent probably was to acknowledge there are other sensitive uses where children might congregate. This was a divisive issue.

Chair Unger said he likes the consensus items. They cannot protect everything or everyone, especially when anyone can grow four plants of their own. Commissioner Baney noted that someone might try to establish a church or other use just to create issues, so she agrees with this as written for now.

Yard Setback and Additional Setbacks. Mr. Lelack said he wanted to talk about these together. The yard setback would be from the property line to the premises. Additional setbacks could be from a residence next door. There are a number of proposals in the matrix, from current Code for farms, to 1,000 feet or more for setbacks.

There are maps provided in the packet to give examples of what this looks like. For instance, for five acres, a setback of 200 feet won't work. The Planning Commission started at 200 feet. There was some discussion of 300 feet from dwellings as part of the permitting process. There are a range of options and suggestions on setbacks, but no consensus was reached by the MAC.

Chair Unger said other counties have found 'reasonable' to be 100 feet for all uses, including generators, buildings and so on. Commissioner Baney stated that she prefers 300 feet from a residence or 100 feet from the property line, whichever is greater. Chair Unger stated that there was some consensus on the business side that might support this. Commissioner Baney added that there are a lot of non-permanent structures that should not be grandfathered in. Many are not neighborly. Chair Unger said that they are forced to deal with some issues created by the OHA.

Commissioner DeBone stated that maybe it could be 100 feet from the property line, and up to 300 feet from the neighbor's residence if there is an existing home. Commissioner Baney noted that if the residence is fifty feet from the property line, this creates an even bigger setback. Chair Unger asked if they should consider whether the grow is within an enclosed structure like any other farm use, and whether it complies with regulations regarding odor, light and sound. It might not be an issue then.

Commissioner Baney would like to consider this throughout. It cannot be onerous. The variance process exists for unique situations. The difficulty is that there is less discretion and more criteria. She wants to look at a process for unique situations that may already exist. Chair Unger agreed, if it doesn't create a negative impact. They could allow for a variance.

Commissioner DeBone said they know how to deal with conditional uses. It might be administratively authorized, but could be appealed. Commissioner Baney said she is trying to balance the impacts. EFU is farmland, but it is more than that to many. The Bulletin appears to want to give guidance, but the lands here are not as standardized as they or those in Salem think. Chair Unger agreed. He wants whatever they propose to be something that will be supported. Commissioner DeBone added that they will see how this fits into the package. *(The Board came to consensus on this.)*

Mr. Lelack said that it might help if they can clarify which areas are eligible for a variance and which are not, either by lot size, use or zone. This will allow for some predictability for everyone. It needs to be clear in Code, but can be revisited or amended in the future. Commissioner Baney agreed that it will have a lot to do with the zones.

Mr. Martin added that the County cannot adopt additional setbacks for an existing grow that was established by January 2015, if the operation is in an existing agricultural building with opaque walls. They can continue if they are licensed through the OLCC. This is already in State law.

Minimum Parcel/Lot Size. Mr. Martin said there was non-consensus on this, and ideas ranged from no minimum lot size to 80 acres, or depending on what it is next to. There were all kinds of recommendations. There were recommendations of no minimum lot size for medical grows, and a ten-acre minimum for outside medical grows with up to forty plants. There were other suggestions of all kinds.

Commissioner Baney said that in other places in the State, EFU land would be 80 acres or more. This area is unique. Mr. Martin stated that 80 acres would be the minimum for new EFU parcels, but in reality many are often smaller.

Chair Unger asked what is meant by tier 1 and 2. Time, place and manner are his main concerns. He does not feel lot size is as important as that. Chair DeBone explained that the OLCC breaks down indoor/outdoor grows into tiers. Tier 1 is a 5,000 square foot maximum; tier 2 is up to 10,000 square feet; and tier 3 is up to 20,000 square feet. There are canopy limits for mature plants, but some operations will have mixed cultivation, so inside and outside gets complicated. Chair Unger noted that indoor is subject to needing light during the flowering process.

Commissioner DeBone said that as to minimum lot size, the original suggestion was five acres in all zones, but no one can agree. Chair Unger stated he would like to limit grows somehow so they don't look like rows of Wal-Mart buildings and can balance with the rural areas.

Mr. Martin said there could be a specific standard size or they can tie the lot size to the license. Indoor is licensed, using artificial light on mature plants. This is measured by the mature canopy. Ancillary start areas are not included. An outdoor license is defined as being without artificial light on mature plants, but does not include the starts. This could be within a greenhouse. A hybrid is 4:1, with a small portion indoors and the rest outside.

Commissioner Baney asked if someone could apply for both tier 1 and 2. Mr. Martin replied that there are licensing limitations. Outdoor is one license per premises for the entire lot. Indoor is a portion of the building. There could be multiple indoor licenses as long as the areas are separated by license ownership. They could limit the number of licenses per parcel.

Chair Unger asked if a cardholder and license holder could be the same. Mr. Martin said they are entirely separate. He is talking about OLCC regulations and recreational grows. Medicinal has its own set of standards and tiers. The cardholder is the patient, and can grow up to six plants. There can be a total of twelve plants if there is more than one cardholder. Grow sites can be assigned to a caregiver or a grower, and there can be multiple cardholders. There has been no limit on this previously, but they can now impose limits on this for new grow operations, of 48 plants per medical grow site. There is a comprehensive registration process through the OHA now to register the grow sites for this.

Mr. Martin said that when discussing minimum parcel sizes, if established, they need to decide if this is across the board or if it is tied to a license. Commissioner DeBone stated that five acres seems reasonable, but the Planning Commission came back at twenty. He thinks this is too restrictive and would allow only big properties. There are hundreds that are ten to twenty acres and five to ten acres. He asked why they would limit it to just the large properties.

Commissioner Baney stated that five acres is too small, although there are MUA properties that might work for this purpose. The difference may be a fully-enclosed structure versus an outdoor grow. Smaller properties are meant to be buffer zones between agricultural uses and residential areas.

She is thinking around ten acres would be better, and some categories at twenty acres with setbacks, or even larger if merited. It could be on ten to twenty acres with some restrictions and possible variances. Five to ten acres would be even further restricted as those are unique farm properties. They took RR-10 off the table.

Chair Unger stated that he can see ten acres with greenhouses, or five with an enclosed building. He still does not understand the outdoor part. There still needs to be separation. That eliminates some properties. Tiers 1 and 2 might need to be on bigger land. Commissioner DeBone said that he can see five acres with more restrictions. Some will work and some won't. He wants to see how things come together.

Commissioner Baney asked how hoop houses are constructed. She is concerned that while an enclosed building needs to be permitted, fire safe and has other requirements, a hoop house needs nothing. Mr. Lelack stated that greenhouses and hoop houses do not require building permits. Agricultural buildings are exempt from Code but do require permits for electrical and other things. Access buildings need to be fully permitted. There are a range of choices. Commissioner Baney said that she is asking what should be allowed on the smaller properties. It is harder to mitigate if no permits are needed. Chair Unger noted that they will have to comply with odor, noise and light regulations, and might not be able to do this.

Commissioner DeBone said that allowing only EFU would only narrow the path since marijuana is defined as a crop. That is the starting point for him. Chair Unger supports this, but feels there are some MUA properties that, with a variance, could have the same feel as EFU. Also, enclosed buildings might be appropriate through a variance.

Commissioner Baney said she supports this because EFU does not signal a certain size. MUA and EFU are often situated in the same areas and look the same. RR-10 is certainly residential only. The challenge here is what an agricultural crop is. Chair Unger said they could adjust this later.

Commissioner DeBone asked about forest zones since they are resource zones. He is thinking about larger parcels zoned forest that may not even have trees. Commissioner Baney said she would like to stick with properties that are considered farm land, not forest or residential.

(There was consensus on considering only farm-type lands, MUA and EFU, with ten acres as a starting point with a variance process for five to ten acres.)

Commissioner Baney stated that ultimately they want to address any potential nuisances, and size is not as important as this. It is too hard to meet setback requirements on most that are less than ten acres. There should be a variance process for unique situations. She does not want this based just on discretion, so the criteria will be important. Mr. Lelack said that variances are usually considered for hardship situations, and lot size is not usually a part of this. The same applies to uses. It is almost better to specify what they are aiming for, such as a property being next to federal lands; however, those properties can end up being sold. Whatever it is, it needs to be specific.

Chair Unger reiterated that it should be ten acres if not all enclosed, five acres if enclosed, and fully permitted as defined in State law. Mr. Martin noted that they could incorporate SB 1598 that requires four opaque walls, a floor and a roof. Commissioner Baney said that in reality, someone could do this today with no setbacks or other requirements. Mr. Lelack stated that they will draft Code with the input of building officials to reflect State law.

Commissioner Baney asked if they should limit the size of the canopy based on the size of the property. Mr. Lelack said this is under #11 in the matrix, and the MAC did not discuss it. Commissioner Baney stated that they could look at the setbacks, the allowed size of the grow and other things to narrowly define and go forward from there. Mr. Lelack stated that they could limit the number of licenses per parcel or lot. However, there was no consensus on this.

Chair Unger said that they also need to consider the creation of a proliferation of small grows if potentially bigger grows are limited. Being too restrictive may mean multiple properties with one grow on each lot. Maybe having this in one single place or fewer places is less intrusive. It also has to do with having a successful business model. He likes what has been discussed, but wants to address potential unintended consequences.

Commissioner Baney asked if they could subdivide land to do the same thing. Chair Unger replied that these are EFU properties and most are not 80 acres or more so can't be made smaller. MUA-10 cannot be made smaller now, either. Commissioner DeBone asked if they could require one license per property, and whether this would be for both indoor and outdoor. For a 10,000 square foot canopy limit for mature plants, he likes the idea of one license.

Commissioner Baney asked that when considering setbacks and canopy sizes, what does this equal. Commissioner DeBone said that this would consider just the mature canopy. Chair Unger added that time, place and manner factors might limit the size of the grow.

Commissioner DeBone said this whole issue is surrounded by a gold rush mentality, and some want to cover their whole property with greenhouses. The County needs to define a starting point. Commissioner Baney asked if they can limit the number of medical licenses. Mr. Lelack replied that they are limited by the number of cardholders they are growing for. Commissioner Baney said that she heard of a parcel that already has a large hoop greenhouse and they want to do two more under the medical provisions. She wants to know how to keep this proliferation down. Commissioner DeBone stated that 5,000 square feet is as big as they get. Commissioner Baney wants to sideboards on this.

Mr. Martin responded that he is not sure if there can be multiple medical grows on one property, along with an OLCC license at the same time. He believes that if someone wants to participate in both programs, they need an OLCC license with tier limits.

Chair Unger asked if the Board can meet again to discuss this further on Monday, May 9, at 1:30 p.m. He wants to know where they go after today. Commissioner DeBone stated that they have been overwhelmed with input and suggestions on what needs to be done. This is evolving, but it will take a while. It is a painful process. Some people want to provide more input, and that is okay, but sometimes it is hard to find the time to review it all. Anything submitted needs to be concise and to the point.

Commissioner Baney asked if anyone knows someone who might be running a campaign to save Measure 91, to please let them know that this is not what is being addressed.

15. **OTHER ITEMS**

None were offered.

16. **ADJOURN**

Being no further discussion, the meeting was adjourned at 12:10 p.m.

DATED this 11th Day of May 2016 for the
Deschutes County Board of Commissioners.

Alan Unger
Alan Unger, Chair

Tammy Baney
Tammy Baney, Vice Chair

ATTEST:

Bonnie Baker
Recording Secretary

Anthony DeBone
Anthony DeBone, Commissioner

At the meeting on Monday, while a respectful dialogue regarding an emotionally charged issue, there were a couple of comments made that personally gave me pause. AS I reflected upon the hearing, I found myself troubled that while both offensive, both were not treated equally. I'd like to ask the Chair's permission to share my thoughts.

In 2013 my daughter and I had the honor of hearing 91 year old Holocaust survivor Margit Messiner speak at the Holocaust Museum in Washington DC. After sharing her story we had the pleasure of speaking with her privately. Before we left, I asked her, "What is the most important message you want us to leave with?" she thanked me for the question and said, "Please never forget what happened."

Monday we allowed ourselves to casually step over a comment made and quite frankly I did not honor what Margrit had so earnestly requested. We live in a country where we are free to have public, spirited dialogue; it is what our country is founded upon. This is a freedom that must never be taken for granted; but within that freedom, we have a responsibility to learn from the actions of others and be the voice that stands against atrocities of others. By allowing the casual comparison of concentration camps to anything other than other examples of genocide, allows us to dilute the magnitude of horror and pain experienced by the individuals and descendants of the Holocaust. I ask us, would we have so casually stepped over someone using slang terms to describe different nationalities or even demeaning language to me as a woman; I submit that we would have heard gasps.

The timing of this opportunity to strengthen our resolve to never forget is impeccable. This week marks the Days of Remembrance of the Victims of the Holocaust, an annual 8-day period designated by the United States Congress for civic commemorations and special educational programs that help citizens remember and draw lessons from the Holocaust. This year, May 4th is the official Remembrance Day for the Holocaust and Heroism; the day we remember and hold close the over 6 million Jewish mothers, fathers, sisters, brothers, community members who lost their lives.

Stated by the National Holocaust Museum; From the Holocaust, we begin to understand the dangers of all forms of discrimination, prejudice, and bigotry; hatreds which, in their extreme forms, can lead to mass slaughter and genocide -- and, on the personal level, can endanger our ethical being.

From the Holocaust, we can learn the way evil can be commonplace and acceptable -- so that no one takes a stand until it is too late.

From the Holocaust we can examine humans as victims and executioners, oppressors and liberators, collaborators and bystanders, rescuers, and witnesses.

From the Holocaust, we are reminded that humans can exhibit both depravity and heroism. The victims of Nazi persecution demonstrated tremendous spiritual fortitude and resistance. There was also the physical and spiritual heroism of those who risked their lives to save others.

From the Holocaust, we must remember the depths to which humanity might sink; but then we must remember, as well, the heights to which we might aspire."

HISTORIC PRESERVATION MONTH 2016 - SCHEDULE OF EVENTS

Celebrate the heritage of Deschutes County during May, a month dedicated to engaging in historic preservation. The Deschutes County Historical Society, Deschutes County Historic Landmarks Commission, City of Bend Landmarks Commission, and City of Redmond Landmarks Commission, are partnering to celebrate the myriad of ways that historic preservation enhances our quality of life. With a full schedule of events, there are many ways to **Know the Past, Celebrate the Present, Enjoy the Future.**

MAY 2nd, 5:30pm - Deschutes County Historic Landmarks Commission Meeting

The Deschutes County HLC will hold its regular meeting which coincides with Historic Preservation Month. The commission will be discussing Endangered Places within the county, and brainstorm a potential list that can be added to during the kick-off event. Staff will highlight Historic Preservation Month activities and upcoming projects supported by the renewed Certified Local Government (CLG) program. Join us at 1300 NW Wall Street, Barnes & Sawyer Room.

MAY 3rd, 10am to 1pm - Santiam Wagon Road Walk, guided by Kelly Madden

Join the Deschutes Land Trust and Kelly Madden for a walk back in time to explore the Santiam Wagon Road at Whychus Canyon Preserve. Picture life as a pioneer in Oregon, moving from the crowded Willamette Valley to the wide open spaces and unsettled lands of Central Oregon. Walk the route followed by wagon trains as they travelled east and west on the Willamette Valley and Cascade Mountain Military Road (better known on its western end as the Santiam Wagon Road). We'll also explore the site of an early homestead at the Preserve. Registration is required and opens one month before the event. Please register online at www.deschuteslandtrust.org/events. A moderate ~3 mile hike. Bring snacks/lunch, water, and sturdy hiking shoes, and dress for the weather.

MAY 6th, 3:35pm - Tumalo Elementary School's "Ring the Bell" for 100 Years of Preservation, Tumalo

Ring in 100 years of Deschutes County at the Tumalo Community School as school lets out in the afternoon. Hear the sound of the C.S. Bell Company No. 24 school bell, which first adorned the belfry of the Laidlaw Central School. Bring a memento to share of your days in school in Tumalo. Self-serve apple cider will be available. Located at 19835 Second Street in downtown Tumalo.

MAY 6th, 5pm to 7pm - Preservation Month Showcase in Bend at Immersion Brewing, Box Factory (Old Mill Marketplace), during First Friday Art Walk

Come to the 100-year old Brooks-Scanlon Mill "Box Factory", for this year's kick-off event, hosted by newly completed Immersion Brewing, during First Friday Art Walk! Celebrate the kickoff of Historic Preservation Month and learn about the exciting events happening in Deschutes County. Browse a variety of preservation exhibits, see folk artist Bill Goldman's wood-carved diorama, and share an "Endangered Place" on the county map. Brownie Girl Scouts will be selling "penny" candy, and meals and drinks will be available for purchase at Immersion Brewing, located at 550 SW Industrial Way, Suite 185.

MAY 7th, 9am to noon - Water + Wood Walk with Leslie Olson, Skyline Forest

Long before breweries and boarding, what brought people to the unique landscapes of Central Oregon? Join the Deschutes Land Trust and Leslie Olson to explore the history of Central Oregon in Skyline Forest. Mill about near the site of a 1916 lumber mill and explore Bend's early logging history and irrigation systems. Then, hike along the Columbia Southern canal to learn how water and irrigation impacted early settlement. Registration is required and opens one month before the event. Please register online at www.deschuteslandtrust.org/events. A moderate, 2 to 3 mile hike. Bring snacks/lunch, water, and sturdy hiking shoes, and dress for the weather.

MAY 9th, 7:00pm (doors open at 6pm) - "Bungalow Heaven" Documentary Showing at The Tower Theatre, Bend

The Tower Theatre Foundation and the Deschutes Historical Museum present a full-length documentary about the people, homes and architecture of a unique landmark neighborhood in the heart of Pasadena, California. This isn't a history lesson, it's about a lifestyle! Stay afterward for a 10-minute presentation by architect Heidi Slaybaugh on Bend's own bungalow heritage. \$8 admission; reserve seating at towertheatre.org (\$4 goes to historic preservation in Bend and Deschutes County)

MAY 10th, 9:30am to 11 am - Indian Ford Meadow History Wander, with Kelly Madden

Join the Deschutes Land Trust and Kelly Madden to explore the history of Central Oregon at Indian Ford Meadow. Please register online at www.deschuteslandtrust.org/events. A moderate, ~1/2 mile walk. Bring snacks, water, and sturdy hiking shoes, and dress for the weather.

MAY 10th, 5:30pm to 8pm - Pine Tree Mill/ Skyline Forest Walk, with Leslie Olson

Long before breweries and boarding, what brought people to the unique landscapes of Central Oregon? Join the Deschutes Land Trust and Leslie Olson to explore the history of Central Oregon in Skyline Forest. Mill about near the site of a 1916 lumber mill and explore Bend's early logging history. Then, hike along the Columbia Southern canal to learn how water and irrigation impacted early settlement. Registration is required and opens one month before the event. Please register online at www.deschuteslandtrust.org/events. A moderate, ~1 mile walk. Bring snacks, water, and sturdy hiking shoes, and dress for the weather.

MAY 12th, 19th and 26th, 11am to 12:30pm - Old Mill Centennial Segway Tour, with Bend Tour Company & Deschutes Historical Museum, Bend

Glide back to the time when sawdust filled the skies of Bend and two of the largest pine mills ruled the banks of the Deschutes River. The Bend Tour Company and the Deschutes Historical Museum bring you a special once a month historical SEGWAY glide, giving you a glimpse into Bend's industrial past. Roll along the river and through historic neighborhoods, discovering Bend's booming era of pond monkeys and mill camps against a backdrop of picturesque views of the Old Mill District. This 1.5 hour SEGWAY tour is lead by a Museum guide, and all proceeds will directly benefit the Deschutes County Historical Society. The price is \$50.00, and the tour is limited to 8 participants, so sign up early and choose one of the three available dates. Bring water and dress for the weather.

MAY 14th, 10am to 2pm - "Hunt for History: The Legacy of Builders Olson & Erickson" Walk/ Bike/Roll Tour and "This Place Matters" Photo Contest, Centennial Park, Redmond

Get active and learn a bit about Redmond's history. Celebrate May Historic Preservation Month with a free, family-friendly event featuring a self-guided bicycle tour and a walking scavenger hunt. The featured historic buildings featured on the tour were constructed by local builders Olson and Erickson, who worked in the area from the early 1900s through the 1930s and who were responsible for the construction of many local buildings, including the Redmond Hotel and Redmond Union High School. "This Place Matters" Photo Contest winning entries and prizes will be announced at 2pm, following the Hunt for History event at Centennial Park. Please visit the City of Redmond's Historic Landmarks Commission page for full event information: <http://www.redmond.or.us/government/commissions-committees/hunt-for-history>

MAY 14th, 7:30pm - "Faces of Deschutes County" Centennial Play, Bend

The Deschutes Historical Museum, Deschutes County, and Dioynsus Productions present a four-part play in honor of the creation of Deschutes County in 1916. Discover the voices that shaped the politics of the day and chronicled daily life as new towns boomed and sought control of their futures. The performance debuts at the Museum, with others at Centennial Park in Redmond on May 15th; The Belfry in Sisters on May 20th; La Pine Community Center in La Pine on May 21st; SHARC in Sunriver on May 21st; and Faith Hope and Charity Winery in Terrebonne on May 22nd.

MAY 15th, 5pm - "Faces of Deschutes County" Centennial Play, Redmond

The Deschutes Historical Museum, Deschutes County, and Dioynsus Productions present a four-part play in honor of the creation of Deschutes County in 1916. Discover the voices that shaped the politics of the day and chronicled daily life as new towns boomed and sought control of their futures. See the Play at Centennial Park in Redmond, with others at The Belfry in Sisters on May 20th; La Pine Community Center in La Pine on May 21st; SHARC in Sunriver on May 21st; and Faith Hope and Charity Winery in Terrebonne on May 22nd.

MAY 16th, 3pm to 6pm - Old Stone Church's "Ring the Bell" for 100 Years of Preservation, Bend

Built in 1912 by the Presbyterian Church and Torkil Swanson, the church is a Craftsman quoined tuff-stone and basalt work of art, with delightful windows of Kokomo glass, Tudor and Gothic siding, and bargeboards. Over Deschutes County's 100 years, various congregations have been housed here. In 2006, use expanded to include music concerts and other community events. Visit the repurposed Old Stone Performing Arts Center, Bend's newest, yet most historic event center, hosting concerts, theater, film, dance, weddings and community events. Ring the Old Stone's cast iron bell to celebrate Deschutes County's 100th birthday and bring your stories and photos to fill in its history. Located at 157 NW Franklin Ave., this is an ADA accessible facility.

MAY 17th, 6pm - Bend Historic Landmarks Commission Meeting, Bend City Council Chambers

The Bend Landmarks Commission's regular meeting coincides with Historic Preservation Month, and is open to the public. The commission will be discussing the Certified Local Government (CLG) grant programs and much more. The Bend City Council's proclamation of Historic Preservation Month will be presented.

MAY 19th, 9:30am to 12:30pm - Sisters & Camp Polk Meadow Preserve Walk, guided by Kelly Madden

Join Kelly Madden for a special guided history walk around the City of Sisters and at Camp Polk Meadow Preserve. Explore the scenic meadow and see what brought the early settlers to Oregon and Camp Polk. See the historic Hindman barn and discover where Sisters got its start. A moderate, ~2 mile walk. Attendees must provide transportation from Sisters out to Camp Polk. Bring snacks/lunch, water, and sturdy walking shoes, and dress for the weather.

MAY 20th, 4:30pm to 6pm (doors open at 4pm) - "Bungalow Heaven" Documentary Showing at Redmond Public Library, Redmond

Redmond Historic Landmarks Commission is hosting an informal, free public screening of the documentary "Bungalow Heaven" at the Redmond Library, 827 SW Deschutes Ave. Seating is limited, so please RSVP to rdmdthisplacematters@gmail.com.

MAY 20th, 7:30pm - "Faces of Deschutes County" Centennial Play, Sisters

The Deschutes Historical Museum, Deschutes County, and Dioynsus Productions present a four-part play in honor of the creation of Deschutes County in 1916. Discover the voices that shaped the politics of the day and chronicled daily life as new towns boomed and sought control of their futures. The performance is at The Belfry in Sisters; with other showings at the La Pine Community Center in La Pine May 21st; at SHARC in Sunriver on May 21st; and at Faith Hope and Charity Winery in Terrebonne on May 22nd. Don't miss a special opportunity to "**Ring the Bell for Historic Preservation**" at The Belfry before the play begins. The Belfry is located at 302 E Main Avenue, in Sisters.

MAY 21st, 4pm AND 6pm - "Faces of Deschutes County" Centennial Play, La Pine & Sunriver

The Deschutes Historical Museum, Deschutes County, and Dioynsus Productions present a four-part play in honor of the creation of Deschutes County in 1916. Discover the voices that shaped the politics of the day and chronicled daily life as new towns boomed and sought control of their futures. See it in La Pine at 4pm at the La Pine Community Center, or at SHARC at Sunriver at 6pm. One last showing will be at Faith Hope and Charity

Winery May 22 in Terrebonne. La Pine Community Center is located at 16405 First Street (next to Library). SHARC is located at 57250 Overlook Road in Sunriver.

MAY 22nd, 9:30am to 12:30pm - "Folk Arts to Rock Parks Ride" Historic Bicycle Tour & "Ring the Tumalo Community Church Bell"

Using two wheels, explore the Tumalo community, a folk arts studio, homesteads, churches, cemeteries, scenic parks and unique rock gardens, all on a Sunday! With routes planned that encompass Tumalo, Cline Falls Road, Twin Bridges Road, and Old Bend-Redmond Highway, there is a bit of everything to see and learn about National-registered sites and Deschutes County sites and buildings. Tour includes guided interpretations of historic sites, food stops and SAG support. The tour begins at Tumalo Community Church (with the opportunity to "**Ring the Bell for Historic Preservation**" between 9am and 9:30am prior to the tour start), and offers a scenic 18-mile loop that goes along Twin Bridges Road and Bend-Redmond Hwy to Petersen Rock Garden. Park at the west side of the Tumalo church, at 19899 8th Street, on the Hwy 20 side of the Tumalo Art Gallery. The event is free. Participants must sign a waiver at the beginning of the tour, and have their own bicycles, helmets and water bottles.

Tumalo Community Church (meet at parking lot west of the church) - 19899 8th Street
Laidlaw Bank & Trust (TID) - 64697 Cook Ave
Judge Barnes Residence - 64780 Cook Ave
Tumalo Laidlaw Oddfellows Cemetery - 65180 Cline Falls Road
Oxbow Studio (Bill Goldman Residence) (open 10am until noon) (food stop) -19760 Connarn Road
Gerking Homestead - 65725 Gerking Market Road
Jensen Homesite - 65705 White Rock Loop
Petersen Rock Garden (food stop) - 7930 SW 77th Ave (admittance 'donations' recommended)
Return to Tumalo via Tumalo Road to the tour's end at the Church

MAY 22nd, 6pm - "Faces of Deschutes County" Centennial Play, Terrebonne

The Deschutes Historical Museum, Deschutes County, and Dioynsus Productions present a four-part play in honor of the creation of Deschutes County in 1916. Discover the voices that shaped the politics of the day and chronicled daily life as new towns boomed and sought control of their futures. This last showing will be at Faith Hope and Charity Winery, 70450 NW Lower Valley Drive, in Terrebonne.

MAY 24th, 6pm to 7:30pm - Camp Polk Tour, guided by Kelly Madden & Leslie Olson, Deschutes Land Trust

Camp Polk Meadow Cemetery "after-work" tour. Explore the cemetery and spot well-known names in Central Oregon. See the historic Hindman barn and discover where Sisters, Oregon got its start. Registration is required and opens one month before the event. Please register online at www.deschuteslandtrust.org/events. An easy, ~1 mile walk. Bring snacks, water, and sturdy hiking shoes, and dress for the weather.

MAY 27th to 30th - Ponderosa Mountain Men Little Deschutes Rendezvous Historic Village & Costumes, Hwy 58/ La Pine

Celebrate the 25th anniversary of Ponderosa Mountain Men Rendezvous! Four days of historical reenactments of the dress and lifestyle of mountain men, known as buckskinning. Rocky Mountain Rendezvous and other reenacted events are history-oriented and the social occasions allow people to recreate aspects of this historical period. This family-friendly event promotes and encourages the historic interest and safe use of black powder firearms. Take 97 north of Klamath Falls, turn left onto Hwy 58, and turn right at milepost 82. Follow signs to Rondy. Registration for Individual \$15, Family \$25, Couple \$20. Call 541-536-6050 for more information. Please visit <http://www.ponderosamountainmen.org/> for full details on this unique and fun event!

MAY 31st, 7pm (doors open at 5:30pm) - History Pub - "Saving the Oddfellows Cabins of Paulina Lake", McMenam's Old St. Francis School, Bend

Learn about the history of this little known National Historic District located on the edge of Paulina Lake, and the effort to restore its four remaining cabins. Presented by Erin Woodard of BLM and Scott McBride of the Forest Service, learn about HistoriCorps' 2015 volunteer project and what it will take to preserve the cabins for the future.

JUNE 4th, 6:35pm (doors open at 5:30pm) - Bend Elks Centennial Night, hosted by Deschutes County, Bend

Let's Play Ball! Come out to the ball park for an evening of Bend Elks baseball and celebration of the Deschutes County Centennial. The Elks will be taking on the Corvallis Knights, with festivities including first pitch thrown by a Deschutes County Commissioner, display of the restored 1907 Holsman Automobile, and more throughout the night! \$6 general admission. For advanced tickets and more team information, visit www.bendelks.com.

ALL MONTH LONG

Through April 25th - "This Place Matters" Photo Contest, Redmond

Inspired by the National Trust for Historic Preservation's THIS PLACE MATTERS program, the Redmond Historic Landmarks Commission is sponsoring our first annual photo contest! Join us in celebrating Historic Preservation Month and Redmond's rich heritage by honoring your favorite places, which must be 50 years old or older! Visit <http://www.redmond.or.us/government/this-place-matters> for entry forms and additional information (entries must be submitted by April 25th). Winning entries and prizes will be announced at the "Hunt for History" event on May 14th at 2pm, and the photographic entries will be displayed at Centennial Park, in Redmond. Questions? Call Historic Landmark Commissioners Shannon Rose at 541-216-3471, or Judy Fessler at 541-763-4224, or email: rdmdthisplacematters@gmail.com.

MAY 19th to 31st - Preservation Displays throughout Central Oregon, Sisters City Hall

Learn about preservation efforts with displays of successfully completed projects on Deedon Homestead in La Pine, Liberty Theater in Bend, Paulina Lake IOOF Cabins near La Pine, French House in Bend, Redmond Freight Depot in Redmond, and Trinity Episcopal Church in Bend, and many others!

Every Friday & Saturday, 10am - Guided Tour of Historic Downtown Bend, Bend Visitor Center, 750 NW Lava Road

Join a Bend expert from Visit Bend for a free one-hour guided tour of the historic downtown core. Learn a bit of the past as well as the ins-and-outs and hotspots of present-day Bend and Central Oregon. Dates are 5/6, 5/7, 5/13, 5/14, 5/20, 5/21, 5/27 and 5/28. Advance reservations required. Please call 541-382-8048 for details.

SHPO funding statement: This publication has been funded with the assistance of a matching grant-in-aid from the Oregon State Historic Preservation Office and the National Park Service. Regulations of the U.S. Department of the Interior strictly prohibit unlawful discrimination on the basis of race, color, national origin, age or handicap. Any person who believes he or she has been discriminated against in any program, activity or facility operated by a recipient of Federal assistance should write to: Office of Equal Opportunity, National Park Service, 1849 C Street, NW, Washington, D.C. 20240.

For Recording Stamp Only

BEFORE THE BOARD OF COMMISSIONERS OF DESCHUTES COUNTY, OREGON

A Proclamation Declaring May 2016 National Preservation Month

PROCLAMATION

Whereas, Deschutes County joins cities and counties across the country in a nationwide celebration of Historic Preservation Month; and

Whereas, it is important to celebrate the role of history in our lives, and the contributions made by dedicated individuals in helping to preserve the heritage that has shaped us as a people; and

Whereas, “Know the Past, Celebrate the Present, Enjoy the Future” is the theme for Historic Preservation Month May 2016, co-sponsored by the Deschutes County Historic Landmarks Commission, the Bend Landmarks Commission, the City of Redmond Landmarks Commission, the Deschutes County Historical Society, the Tower Theatre Foundation, and the Deschutes Land Trust; and

Whereas, this year we recognize Deschutes County’s 100th birthday through a year-long celebration that will bring together groups of all kinds through a variety of events and activities;

Now, therefore, we, the Deschutes County Board of Commissioners, do proclaim May 2016 as National Preservation Month, and call upon the people of Deschutes County to recognize and celebrate this special observance.

Dated this _____ day of _____ 2016 by the Deschutes County Board of Commissioners.

ALAN UNGER, Chair

TAMMY BANEY, Vice Chair

ANTHONY DEBONE, Commissioner

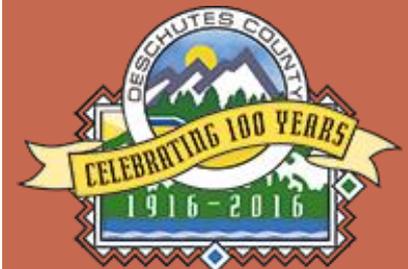
ATTEST:

Recording Secretary

Deschutes County Board of County Commissioners

May 4, 2016
Deliberations

Marijuana Land Use Regulations &
Ordinance 2015-009



DELIBERATIONS PROCESS

- Deliberate Use Categories, Definitions, Zones
 - Time, place, and manner regulations (Specific Use Standards)
 - Opt-In / Opt-Out except medical PRODUCTION

MEDICAL

- DISPENSARY
- GROW SITES (PRODUCTION)
- PROCESSING

RECREATIONAL

- WHOLESALE
- RETAIL
- PRODUCTION
- PROCESSING

DELIBERATIONS PROCESS

- **Deliberate Use Categories**
 1. **Medical & Recreational PRODUCTION**
 2. **Medical & Recreational PROCESSING**
 3. **Medical DISPENSARY & Recreational RETAIL**
 4. **Recreational WHOLESale**
- **Assume medical & recreational regulations will be consistent unless specified**
- **Existing medical production will be required to comply with new Specific Use Standards within set timeline**
- **Existing medical processing required to fully comply**

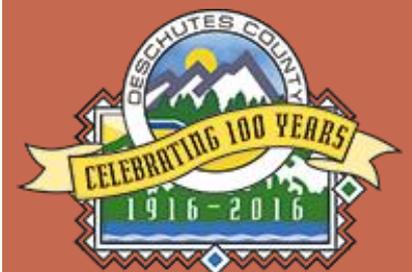
DELIBERATIONS PROCESS

- **Deliberate each Specific Use Standard (Time, Place, and Manner Regulations) – reference the matrix, binder, public comments**
 - **MAC consensus items**
 - **MAC non-consensus items**
 - **Items MAC did not discuss**
- **Compare to Planning Commission Recommendation**
- **Public comments (very high level), if any**
- **Board questions**
- **Board deliberations and decision on the Specific Use Standard**

DELIBERATIONS PROCESS

- Board decision to Opt-In / Opt-Out for the Use
- If Board decides to Opt-In, then decision(s) on:
 - Zones including Titles 19-21
 - Permitted Use with standards or Conditional Use Permit
- Definitions
- Board deliberations are decisions that:
 - Direct staff to prepare amendments to County Code to be adopted by Ordinance at a future date
 - Staff to prepare findings to justify how the regulations are “reasonable” and comply with State laws
 - Ordinances will be posted about 1 week prior to Board consideration
 - Ordinances may be in effect in 90 days or by emergency (0-89 days)

PRODUCTION



PRODUCTION SPECIFIC USE STANDARDS

1. Home Occupations (consensus)
2. Lighting (consensus)
3. Odor (consensus)
4. Noise (consensus)
5. Minimum Separation Distances (partial consensus)
6. Yard Setback (no consensus)
7. Additional Setback (no consensus)
8. Minimum Parcel / Lot Size (no consensus)
9. Limit Number of Licenses Per Parcel / Lot (no consensus)
10. Access (no consensus)

PRODUCTION SPECIFIC USE STANDARDS

11. Maximum Building Floor Space (not discussed)
12. Enclosed Production Only (not discussed)
13. Screening (not discussed)
14. Water (not discussed)
15. Security Cameras (not discussed)
16. Secure Disposal (not discussed)
17. On-Site Residency (not discussed)
18. Business License / Annual Reports / Inspections (not discussed)
19. Other (see matrix from other counties, public comments, etc.)

ORDINANCE 2015-009

- **Refer Recreational Marijuana Production to November 2016 General Election**

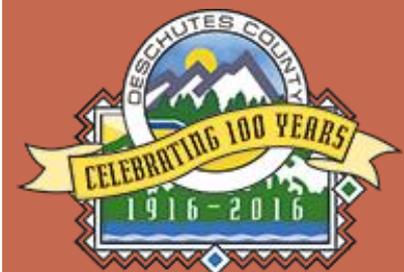
OR

- **Rescind Ordinance 2015-009 for Recreational Marijuana Production**

PRODUCTION ZONES

- **If Ordinance 2015-009 is partially rescinded to allow recreational production, then:**
 - Allowed as a Permitted Use with standards in the EFU Zone (land use application required)
 - Other Zones (MUA-10, Rural Industrial, Rural Residential-10, Forest...) and Titles 19-21
 - Permitted Use with standards or Conditional Use Permit?
 - Same or Different Specific Use Standards (lot size, etc.)?
- **If Ordinance 2015-009 is not rescinded, then proceed with regulations to apply to medical marijuana production & in which zones?**

PROCESSING



PROCESSING SPECIFIC USE STANDARDS

1. Home Occupations (consensus)
2. Lighting (consensus)
3. Odor (consensus)
4. Noise (consensus)
5. Minimum Separation Distances (partial consensus)
6. Yard Setback – Extracts / No Extracts (no consensus)
7. Additional Setback (no consensus)
8. Minimum Parcel / Lot Size (no consensus)
9. Access (no consensus)
10. Fire Protection (not discussed)
11. Other (see matrix from other counties, public comments, etc.)

PROCESSING SPECIFIC USE STANDARDS

- 11.** Indoor Processing Only (not discussed)
- 12.** Water Source (not discussed)
- 13.** On-Site Residency (not discussed)
- 14.** Business License / Annual Reports / Inspections (not discussed)
- 15.** Other (see matrix from other counties, public comments, etc.)

ORDINANCE 2015-009

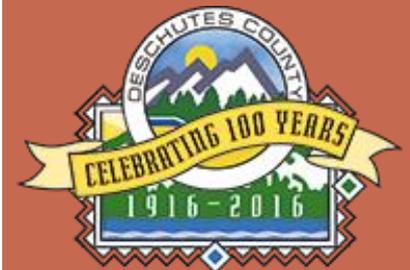
- **Refer Medical AND/OR Recreational Marijuana Processing to November 2016 General Election**

OR
- **Rescind Ordinance 2015-009 for Medical AND / OR Recreational Marijuana Processing**

PROCESSING ZONES

- **If Ordinance 2015-009 is partially rescinded to allow processing production, then:**
 - Allowed as a permitted use with standards in the EFU Zone (land use application required)
 - Other Zones (MUA-10, Rural Industrial, Rural Residential-10, Forest...)?
 - Permitted Use with standards or Conditional Use Permit?
 - Same or Different Standards (lot size, etc.) as EFU?

RETAIL / DISPENSARY



RETAIL / DISPENSARY SPECIFIC USE STANDARDS

1. Home Occupations (consensus)
2. Waste Disposal (consensus)
3. Window Service (consensus)
4. Co-Location (consensus)
5. Minimum Separation Distance (partial consensus)
6. Minors (partial consensus)
7. Hours (no consensus)
8. Odor Control (no consensus)
9. Grandfather Existing Dispensaries (no consensus)
10. Outdoor Patio Space (no consensus)
11. Business License / Annual Reports / Inspections (not discussed)
12. Other (see matrix from other counties, public comments, etc.)

ORDINANCE 2015-009

- **Refer Marijuana Dispensary AND/OR Retail to November 2016 General Election**

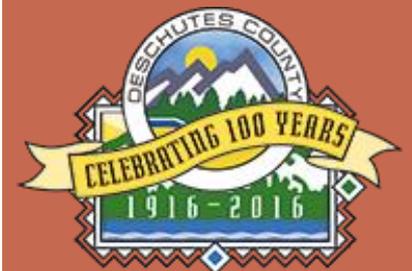
OR

- **Rescind Ordinance 2015-009 for Marijuana Dispensary AND/OR Retail**

RETAIL / DISPENSARY SPECIFIC USE STANDARDS

- **If Ordinance 2015-009 is partially rescinded to allow medical dispensary and/or recreational retail then:**
 - Allow in zones as recommended by the Planning Commission and Marijuana Advisory Committee (MAC)?

WHOLESALE



WHOLESALE SPECIFIC USE STANDARDS

1. Office Only (consensus)
2. Home Occupations (no consensus)
3. Business License / Annual Reports / Inspections (no consensus)
4. Other (see matrix from other counties, public comments, etc.)

ORDINANCE 2015-009

- **Refer Marijuana Wholesale to November 2016 General Election**

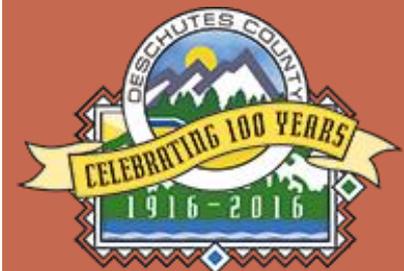
OR

- **Rescind Ordinance 2015-009 for Marijuana Wholesale**

WHOLESALE SPECIFIC USE STANDARDS

- **If Ordinance 2015-009 is partially rescinded to allow wholesale, then:**
 - Allow in zones as recommended by the Planning Commission and Marijuana Advisory Committee (MAC)?

DEFINITIONS



DEFINITIONS

- **Adopt definitions as recommended by the Planning Commission.**
- **Other?**

NEXT STEPS

- 1.** Continue deliberations to Monday, May 9 and/or Wednesday, May 11
- 2.** Staff will prepare text amendments and Ordinance(s) per Board decisions once deliberations are completed
- 3.** Text amendments and Ordinance(s) to be posted approximately 1 week prior to Board consideration for adoption



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., WEDNESDAY, MAY 4, 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. 2016-019 and No. 2016-020, Reappointing Justices of the Peace Pro-tem: Gregory Colvin (through May 15, 2017) and David A. Pardo (through February 28, 2017)
5. **Board Signature** of Resolution No. 2016-013, Increasing the Change Fund for Solid Waste Locations
6. **Board Signature** of a Letter Accepting the Resignation of Katrina Wiest from the Deschutes County Public Health Advisory Board, and Thanking her for her Service
7. **Board Ratification** of Approval of Economic Development Grant Requests:
Fundraising Activities
 - La Pine Lions Club Foundation: Concession Trailer, \$2,000.
 - Saving Grace: Heroes' Luncheon, \$1,200.
 - Sunriver Music Festival: Festival Faire, \$1,000.
 - Coalition for Human Dignity: \$1,500 Fundraiser Pride Event, \$1,200.
 - Bethlehem Inn: Spotlight on Homelessness, \$2,500.
 - Band of Brothers: Military Ball, \$1,800.

Program/Project Grant Requests

- NeighborImpact: Transitional Housing Program, \$2,500.
- Tower Theatre Foundation: Lesson PLAN Education Outreach for student curriculum, \$1,000.
- Central Oregon Symphony Association: Symphony Outreach, \$1,500.
- Sunriver Anglers: Youth Education to provide a free youth fishing day, \$500.
- Sisters Park & Recreation District: Senior Programs Fitness program scholarship, \$1,000.
- Bend 2030: Bend Livability Project for a one-time event, \$2,500.
- Women's Civic Improvement League: KPOV Radio Signal & Reach Expansion, \$1,500.
- Leadership Bend: Central Oregon Impact Summit to bring non-profits together for training, \$2,500.
- Cloverdale Rural Fire Protection District: Hose Replacement for wildland urban interface, \$1,881.68.
- Citizens 4 Community: Sisters Country Civility Project, \$1,000.
- Stage Right Productions – 24/Seven Theatre Project, \$1,000.

8. **Board Approval** of an Economic Development Forgivable Business Loan to SNJ Enterprises LLC, dba Zamp Solar, for \$21,000
9. **Board Signature** of Minutes:
 - Work Sessions: April 25 and 27, 2016
 - Business Meeting: April 18 and 27, 2016

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

10. **CONSIDERATION of Approval** of Weekly Accounts Payable Vouchers for the 9-1-1 County Service District

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

11. **CONSIDERATION of Approval** of Weekly Accounts Payable Vouchers for the Extension/4-H County Service District

RECONVENE AS THE DESCHUTES COUNTY BOARD OF COMMISSIONERS

12. **CONSIDERATION of Approval** of Weekly Accounts Payable Vouchers for Deschutes County

ACTION ITEMS

13. **THE READING** of a Proclamation Declaring May 2016 Historic Preservation Month in Deschutes County – *Matt Martin, Community Development*

Suggested Actions: Read and Adopt Proclamation.

14. **DELIBERATIONS** and Decisions on Marijuana Land Use Regulations (zoning, siting, licensing, whether to opt out, and related issues) – *Matt Martin, Nick Lelack, Community Development*

15. 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.

16. 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, May 2

Public Hearing on Marijuana Related Land Use Issues: 10 a.m. to 12 noon; and 1 p.m. to 3 p.m.

Tuesday, May 3

8:30 a.m. Forester Field Tour – locations to be determined

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

Wednesday, May 18

11:00 a.m. REDI (Redmond Economic Development, Inc.) Luncheon Meeting, **at Redmond Airport**

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 - Presentations

Monday, June 6

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

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

Tuesday, June 7

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

Wednesday, June 8

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

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

June 13 and 14

Association of Counties' Spring Conference – **Umatilla County**

Monday, June 20

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

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

Wednesday, June 22

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

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

Monday, June 27

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

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

Wednesday, June 29

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

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

Monday, July 4

Most County offices will be closed to observe Independence Day.

Tuesday, July 5

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

Wednesday, July 6

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

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

Wednesday, July 13

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

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

Monday, July 18

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

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

Monday, July 25

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

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

Wednesday, July 27

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

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

Monday, August 1

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

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

Tuesday, August 2

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

Wednesday, August 3

Opening Day at the Deschutes County Fair



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