

Deschutes County Board of County Commissioners

May 11, 2016
Deliberations

Marijuana Land Use Regulations &
Ordinance 2015-009



DELIBERATIONS CONTINUED

- Public hearing May 2, Deliberations May 4, 9, 11
- Prior meeting videos are available online at www.deschutes.org
- Provisional agreements on Production & Processing Standards
- Key issues
 - Finalize Production & Processing Standards
 - Retail/Dispensary & Wholesale Standards & Zones
 - Grandfathering (time limits to comply 6-12 months)
 - Definitions
 - Opt-In / Opt-Out
- Next Steps

PRODUCTION



PRODUCTION SPECIFIC USE STANDARDS

1. Noise

1. Comply with the Noise Control Standards of DCC 8.08.
2. Applies to existing and new production/grow sites.
3. Sustained noise from production is exempt from protections of DC 9.12 (right to farm).
4. Sustained noise shall not exceed 40 dB(A) measured at the property line between 10:00 pm and 7:00 am the following day.
5. Intermittent noise is permitted

2. Operation Size

1. 5 -10 acres: 2,500 sq ft mature canopy located within a fully enclosed building that has all opaque walls and a roof
2. 10-20 acres: 10,000 sq. ft. mature canopy
3. 20+ acres: 20,000 sq. ft. mature canopy

PRODUCTION SPECIFIC USE STANDARDS

3. Business License / Annual Reports / Inspections Concept

- Annual report, fee, consent to inspect by Feb. 1 for prior year
- Document & demonstrate compliance with land use decision, State licensing requirements, health & safety regulations
- Failure to submit report or demonstrate compliance to result in land use permit revocation, code enforcement, notice to OLCC / OHA not in compliance with local regulations – license renewal?
- Conditions of Approval Agreement recorded on the property, includes Good Neighbor Policy (TBD)
- Public record

PROCESSING



PROCESSING SPECIFIC USE STANDARDS

1. Noise

- Same as production

2. Operation Size

- TBD
- Existing law – 10,000 sq. ft in EFU

3. Business License / Annual Reports / Inspections

- Same as production

4. Other?

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.)

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.)

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 & GRANDFATHERING

- **Adopt definitions as recommended by the Planning Commission?**
- **Grandfathering – 6 months, 12 months, other?**

OPT-IN / OPT-OUT

MEDICAL

- DISPENSARY
- PROCESSING

RECREATIONAL

- WHOLESALE
- RETAIL
- PRODUCTION
- PROCESSING

NEXT STEPS

1. Staff to draft text amendments (regulations to be added to Deschutes County Code), findings (reasons for the amendments), and Ordinances
2. Ordinances to be posted by Tuesday, May 31
3. Board to review and consider adoption of Ordinances on Monday, June 6 or Wednesday, June 8
4. NOTES:
 - Board may revise/amend posted Ordinances
 - Ordinances take effect 90 days AFTER Second Reading unless adopted by Emergency (need reason to adopt by Emergency)
 - If Board decides to Opt-In for any use, the date to amend or rescind Ordinance 2015-009 is TBD