



## Community Development Department

Planning Division Building Safety Division Environmental Soils Division

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### MEMORANDUM

**TO:** Deschutes County Board of Commissioners

**FROM:** Matthew Martin, Associate Planner

**DATE:** November 24, 2015

**SUBJECT:** Proposed Marijuana Related Business Regulations. County Land Use File No. 247-15-000542-TA.

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#### I. SUMMARY

The Board of County Commissioners (Board) will hold two public hearings on proposed land use regulations for marijuana-related businesses in unincorporated Deschutes County. The hearings are scheduled for 1:30 p.m. and 6 p.m. on Wednesday, Dec. 2. These legislative amendments to Deschutes County Code (DCC) implement reasonable time, place, and manner land use regulations for production (growing), processing, wholesaling and retailing of medical and recreational marijuana.

#### II. BACKGROUND

Recreational marijuana became legal for personal use in Oregon on July 1, 2015. The Oregon Liquor Control Commission (OLCC) adopted temporary administrative rules on Oct. 22, 2015, effective January 1, 2016, to administer and implement the law to regulate recreational marijuana purchase, sale, production, processing, transportation and delivery. The OLCC will begin receiving license applications by January 4, 2016, to produce, process, wholesale and retail recreational marijuana. Medical marijuana production, processing and retailing are regulated by the Oregon Health Authority (OHA) with changes to the existing state law in these areas set to take effect on March 1, 2016.

State law provides for four categories of OLCC-licensed, marijuana-related uses—recreational marijuana production, recreational marijuana processing, recreational marijuana wholesaling and recreational marijuana retailing—and three categories of OHA-registered, marijuana-related uses—medical marijuana production, medical marijuana processing and medical marijuana dispensaries.

Deschutes County may not completely prohibit any of the defined types of marijuana-related land uses without a vote of the people. However, state law gives the county the authority to adopt “reasonable regulations” regarding these uses.

In September 2015, the Board held a series of work sessions to draft proposed standards for marijuana-related businesses in unincorporated Deschutes County for the Planning Commission to review and provide a recommendation after conducting public hearings.

On November 5 and 12, 2015, the Planning Commission conducted a public hearing to receive public testimony on the proposed regulations. Then on November 16 and 23, the Planning Commission deliberated on the proposed regulations. The Planning Commission voted 7-0 to forward a package of recommendations to regulate marijuana businesses in unincorporated Deschutes County. The recommended changes to the regulations include:

1. **Production**  
Marijuana production (growing) to only be permitted in the EFU Zone on properties 20 acres or larger and in the Rural Industrial Zone.
2. **Processing**  
No processing allowed in the MUA-10 zone.
3. **Retailing**
  - a. Marijuana retailing to be conditional use rather than outright permitted use in applicable zoning districts.
  - b. Prohibit retailing in the Deschutes Junction and Deschutes River Woods Store Rural Commercial Zones.
4. **Wholesaling**  
Marijuana wholesaling is limited to office use only with no onsite storage of marijuana products.
5. **Setbacks**  
Increase yard setback from 100 feet to 200 feet.
6. **Odor Control**  
Add standards to odor control requiring the filtration system be maintained in working order and used and to allow for the use of alternative odor control systems other than carbon systems.
7. **Lighting Control**  
Adopt lighting control standards but consider additional measures to control skyward lighting. No consensus on recommendation.
8. **Secure Storage**  
Revise secure storage requirement to match OLCC requirement.
9. **Noise**  
Move noise standards to DCC 8.08, Noise Control, and apply to all buildings and mechanical equipment outside of a commercial or industrial zone. Keep a reference to the DCC 8.08 in the marijuana-related regulations.
10. **Screening**  
Only apply to existing medical marijuana operations, including buildings and greenhouses.

11. **Water**

Require proof from the watermaster that proposed water supply complies with all applicable local, state, and federal laws.

12. **Separation Distances**

Include parks and youth activity centers (i.e. Boys and Girls Club)

13. Remove standards that apply to RR-10, F-1, F-2, and MUA-10 because no marijuana uses are recommended to be allowed in these zones.

14. **Fire Protection**

Establish standalone requirement that all marijuana processing of cannabinoid extracts are only permitted on properties located in a fire protection district.

15. **Nonconforming Uses**

Minor correction to referenced sections.

16. **Minors**

Remove because ORS and OLCC Rules include this requirement.

17. **Limiting Type/Number of Licenses**

Consider limiting the number of production licenses 1 indoor and 1 outdoor for every 10 or 20 acres of parcel area. Renewal/Inspection: Consider requiring permit renewal (annual, biennial) or require site inspections as a conditional of approval.

18. **Inspections and Advisory committee**

County to conduct inspections of approved marijuana businesses in 1-2 years to determine compliance and learn what's working and what's not. Consider forming an advisory committee to facilitate collaboration amongst interested parties to evaluate effectiveness of regulations and recommend changes as needed.

The Commission also voted 5-2 to recommend the County not prohibit or "opt out" of any marijuana business type regulated by the State.

### **III. SCHEDULE**

Following the work session on November 30, the public hearing before the Board is scheduled for December 2, 2015, with two sessions at 1:30pm and 6:00pm. Deliberations are scheduled for December 21, 2015.

Attachments: Planning Commission Recommendations:

- Summary of Zones Permitting Marijuana Related Businesses
- Summary of Standards for Marijuana Related Business
- Exhibits of Recommended Regulations

\*\*\*\*\* Denotes portions of this Section not amended by Ordinance 2015-022.

#### 18.04.030. Definitions.

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“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.

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“Marijuana” means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae, and the seeds of the plant Cannabis family Cannabaceae. Marijuana does not include industrial hemp as defined in Oregon Revised Statutes 571.300.

“Marijuana items” means marijuana, cannabinoid products, cannabinoid concentrates, and cannabinoid extracts.

“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.”

“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.”

“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.

“Person designated to produce marijuana by a registry identification cardholder” means person designated to produce marijuana by a registry identification cardholder under Oregon Revised Statutes 475.304 who produces marijuana for a registry identification cardholder at an address other than the address where the registry identification cardholder resides or at an address where more than 12 mature marijuana plants are produced.

(Ord. 2015-022 §1, 2015 ;Ord. 2015-004 §1, 2015; Ord. 2014-009 §1, 2014; Ord. 2013-008 §1, 2013; Ord. 2012-007 §1, 2012; Ord. 2012-004 §1, 2012; Ord. 2011-009 §1, 2011; Ord. 2010-022 §1, 2010; Ord. 2010-018 §3, 2010; Ord. 2008-007 §1, 2008; Ord. 2008-015 §1, 2008; Ord. 2007-005 §1, 2007; Ord. 2007-020 §1, 2007; Ord. 2007-019 §1, 2007; Ord. 2006-008 §1, 2006; Ord. 2005-041 §1, 2005; Ord. Chapter 18.04 35 ( 04/2015) 2004-024 §1, 2004; Ord. 2004-001 §1, 2004; Ord. 2003-028 §1, 2003; Ord. 2001-048 §1, 2001; Ord. 2001-044 §2, 2001; Ord. 2001-037 §1, 2001; Ord. 2001-033 §2, 2001; Ord. 97-078 §5, 1997; Ord. 97-017 §1, 1997; Ord. 97-003 §1, 1997; Ord. 96-082 §1, 1996; Ord. 96-003 §2, 1996; Ord. 95-077 §2, 1995; Ord. 95-075 §1, 1975; Ord. 95-007 §1, 1995; Ord. 95-001 §1, 1995; Ord. 94-053 §1, 1994; Ord. 94-041 §§2 and 3, 1994; Ord. 94-038 §3, 1994; Ord. 94-008 §§1, 2, 3, 4, 5, 6, 7 and 8, 1994; Ord. 94-001 §§1, 2, and 3, 1994; Ord. 93-043 §§1, 1A and 1B, 1993; Ord. 93- 038 §1, 1993; Ord. 93-005 §§1 and 2, 1993; Ord. 93-002 §§1, 2 and 3, 1993; Ord. 92-066 §1, 1992; Ord. 92-065 §§1 and 2, 1992; Ord. 92-034 §1, 1992; Ord. 92-025 §1, 1992; Ord. 92-004 1 and 2, 1992; Ord. 91-038 §§3 and 4, 1991; Ord. 91-020 §1, 1991; Ord. 91-005 §1, 1991; Ord. 91-002 §11, 1991; Ord. 90-014 §2, 1990; Ord. 89-009 §2, 1989; Ord. 89-004 §1, 1989; Ord. 88- 050 §3, 1988; Ord. 88-030 §3, 1988; Ord. 88-009 §1, 1988; Ord. 87-015 §1, 1987; Ord. 86-056 2, 1986; Ord. 86-054 §1, 1986; Ord. 86-032 §1, 1986; Ord. 86-018 §1, 1986; Ord. 85-002 §2, 1985; Ord. 84-023 §1, 1984; Ord. 83-037 §2, 1983; Ord. 83-033 §1, 1983; Ord. 82-013 §1, 1982)

#### **18.16.020. Uses Permitted Outright.**

The following uses and their accessory uses are permitted outright:

- A. Farm use as defined in DCC Title 18.
- B. Propagation or harvesting of a forest product.
- C. Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(2)(a) or (b).
- D. Accessory buildings customarily provided in conjunction with farm use.
- E. Climbing and passing lanes within the right of way existing as of July 1, 1987.
- F. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.
- G. Temporary public road and highway detours that will be abandoned and restored to original condition or use when no longer needed.
- H. Minor betterment of existing public road and highway-related facilities such as maintenance yards, weigh stations and rest areas, within a right of way existing as of July 1, 1987, and contiguous public owned property utilized to support the operation and maintenance of public roads and highways.
- I. Creation, restoration or enhancement of wetlands.
- J. A lawfully established dwelling may be altered, restored or replaced, subject to DCC 18.16.023.
  - 1. The replacement dwelling is subject to OAR 660-033-0130(30) and the County shall require as a condition of approval of a single-family replacement dwelling that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 to 30.937.
- K. A replacement dwelling to be used in conjunction with farm use if the existing dwelling is listed on the National Register of Historic Places and on the County inventory as a historic property as defined in ORS 358.480, and subject to 18.16.020(J)(1) above.
- L. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- M. Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:
  - 1. A public right of way;
  - 2. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
  - 3. The property to be served by the utility.
- N. The land application of reclaimed water, agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone, subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and with the requirements of ORS 215.246 to 215.251.
- O. Fire service facilities providing rural fire protection services.
- P. Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(2)(a) or (b).
- Q. Outdoor mass gathering described in ORS 197.015(10)(d), and subject to DCC Chapter 8.16.

R. Composting operations that are accepted farming practices in conjunction with and auxiliary to farm use on the subject tract as allowed under OAR 660-033-0130(29).

S. Marijuana processing on parcels 20 acres and greater subject to the provisions of DCC 18.16.025(I) and 18.116.330.

T. Marijuana production on parcels 20 acres and greater subject to the provisions of DCC 18.116.330.  
(Ord. 2015-022 §2, 2015; Ord. 2014-010 §1, 2014; Ord. 2012-007 §2, 2012; Ord. 2010-022 §2, 2010; Ord. 2009-014 §1, 2009; Ord. 2008-001 §2, 2008; Ord. 2004-001 §2, 2004; Ord. 2001-039 §1, 2001; Ord. 2001-016 §2, 2001; Ord. 98-030 §1, 1998; Ord. 95-007 §10, 1995; Ord. 92-065 §3, 1992; Ord. 91-038 §§1 and 2, 1991; Ord. 91-024 §1, 1991; Ord. 91-020 §1, 1991; Ord. 91-005 §4, 1991; Ord. 91-002 §3, 1991; Ord. 86-007 §1, 1986; Ord. 81-025 §1, 1981; Ord. 81-001 §1, 1981)

“\*\*\*\*\*” Denotes portions of this Section not amended by Ordinance 2015-022.

**18.65.020. RSC – Commercial/Mixed Use District (Brothers, Hampton, Millican, Whistlestop and Wildhunt).**

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright, subject to applicable provisions of this chapter:
1. Single-family dwelling.
  2. Manufactured home, subject to DCC 18.116.070.
  3. Type 1 Home Occupation, subject to DCC 18.116.280.
  4. Residential home and residential facility.
  5. Two-family dwelling or duplex.
  6. Agricultural uses, as defined in Title 18, and excluding livestock feed lot or sales yard, and hog or mink farms.
  7. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
  8. Class III road and street project.
  9. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review, of this title:
1. Retail store, business office and/or commercial establishment in a building or buildings each not exceeding 4,000 square feet of floor space. The aggregate area for any one type of use that takes place in multiple buildings may not exceed 4,000 square feet.
  2. Residential use in conjunction with a permitted commercial use.
  3. Park or playground.
  4. Community building.
  5. Public or semipublic building or use.
  6. Highway maintenance facility.
  7. ~~Medical marijuana dispensary subject to DCC 18.116.320, Medical Marijuana Dispensary.~~
  8. Marijuana wholesaling, office only with no storage of marijuana items, subject to the provisions of DCC 18.116.330.
- C. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use, of this title:
1. Multi-family dwelling with three or more units.
  2. Church.
  3. School.
  4. Cemetery.
  5. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
  6. Medical clinic or veterinary clinic.
  7. Community Center.
  8. Manufactured home park.
  9. Recreational vehicle or trailer park.
  10. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A).
  11. Marijuana retailing subject to the provisions of DCC 18.116.330.
- D. Yard and Setback Requirements.
1. The front yard setback shall be a minimum of 20 feet from a property line fronting on a local street right of way and 50 feet from an arterial right of way.



2. The minimum side yard setback shall be 10 feet.
3. The minimum rear yard setback shall be 20 feet.
4. The minimum side and rear yard setbacks for property that is adjacent to land zoned exclusive farm use shall be 50 feet.

E. Lot Requirements.

1. Residential Uses:

- a. The minimum lot size for residential uses in Brothers, Hampton and Millican is 2.5 acres.
- b. Each lot shall have a minimum width of 200 feet.
- c. Each lot must be served by an on-site well.
- d. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.
- e. Lot coverage for a dwelling and accessory buildings used primarily for residential purposes shall not exceed twenty-five (25) percent of the total lot area. Lot coverage for buildings used primarily for commercial purposes shall be determined by spatial requirements for sewage disposal, landscaping, parking, yard setbacks and any other elements under site plan review.

2. Commercial and Public Uses.

- a. The minimum lot size in Brothers, Hampton, Millican, Whistlestop and Wildhunt for a commercial use served by an on-site septic system and individual well shall be the size necessary to accommodate the use.
- b. In Alfalfa, the minimum lot size shall be the size necessary to accommodate the use, but not less than one acre.
- c. Each lot shall have a minimum width of 150 feet.
- d. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.

(Ord. 2015-022 §8, 2015; Ord. 2015-004 §2, 2015; Ord. 2004-002 §11, 2004; Ord. 2002-028 §1, 2002; Ord. 2002-002 §2, 2002)

#### **18.66.040. Commercial (TeC) District.**

The Terrebonne Commercial District is intended to allow a range of commercial and limited industrial uses to serve the community and surrounding rural area.

- A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review:
1. Single-family dwelling or two-family on a lot or parcel existing on June 4, 1997.
  2. Manufactured home on a lot or parcel existing on June 4, 1997, subject to DCC 18.116.070.
  3. Type 1 Home Occupation, subject to DCC 18.116.280.
  4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
  5. Class III road or street project.
  6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116 and 18.1248:
1. A building or buildings not exceeding 4,000 square feet of floor space to be used by any combination of the following uses:
    - a. Retail or service business.
    - b. Eating or drinking establishment.
    - c. Offices.
    - d. Veterinary clinic and kennel entirely within an enclosed building.
    - e. Residential use in the same building as a use permitted by DCC 18.66.040(B)(1).
    - f. ~~Medical marijuana dispensary subject to DCC 18.116.320, Medical Marijuana Dispensary.~~  
Marijuana wholesaling, office only with no storage of marijuana items, subject to the provisions of DCC 18.116.330.
  2. Any of the uses allowed under DCC 18.66.040 proposing to occupy more than 4,000 square feet of floor area in a building or buildings, subject to provisions of DCC 18.66.040(E).
- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116, 18.124 and 18.128:
1. Motel, with a maximum of 35 units, only if served by a community sewer system as defined in OAR 660-22-010(2).
  2. Recreational vehicle park.
  3. Church.
  4. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
  5. Public or private school.
  6. Child care center.
  7. Park.
  8. Public or semi-public building.
  9. Medical center in a building or buildings not exceeding 4,000 square feet of floor space.
  10. Utility facility.
  11. Water supply or treatment facility.
  12. Vehicle and trailer sales, service, repair or rental in a building or buildings not exceeding 4,000 square feet of floor space.
  13. Uses listed below carried on in a building or buildings not exceeding 4,000 square feet of floor space with no exterior displays or storage of industrial equipment, industrial vehicles or industrial products:
    - a. Manufacturing and production.
    - b. Wholesale sales.
    - c. Mini-storage.
  12. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).

15. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
  16. Marijuana processing subject to the provisions of DCC 18.116.330.
  17. Marijuana retailing subject to the provisions of DCC 18.116.330.
- D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.66.040(B) and (C).
1. Sewer and Water Requirements. Applicant must obtain approval for an on-site sewage disposal system, or if applicable, obtain a Department of Environmental Quality (DEQ) Waste Water Pollution Control Facility (WPCF) permit before approval or as condition of approval of the land use permit.
  2. The County shall notify the Terrebonne Domestic Water District of land use actions made under DCC 18.66.
- E. Requirements for Large Scale Uses.
1. All uses listed in DCC 18.66.040(B) and 18.66.040(C)(9) may have a total building floor area exceeding 4,000 square feet if the Planning Director or Hearings Body finds:
    - a. The use is intended to serve the community and surrounding rural area or the travel needs of people passing through the area;
    - b. The use will primarily employ a work force from the community and surrounding rural area; and
    - c. It is not practical to locate the use in a building or buildings with floor area of 4,000 square feet or less.
  2. For purposes of DCC 18.66.040, the surrounding rural area includes the area described by the Terrebonne zip code, which extends south to the boundary of the Redmond zip code, west to the boundary of the Sisters zip code, east into Crook County to the boundary of the Prineville zip code and north into Jefferson County to include Crooked River Ranch.
- F. Design Standards.
- Ground Floor Windows. The following criteria for ground floor windows apply to all new commercial buildings in the TeC District except those containing uses listed in DCC 18.66.040(C)(13). The provisions of DCC 18.124 also apply.
1. The window area shall equal at least 50 percent of the length and 25 percent of the height of the ground level wall area. Ground level wall area includes all exterior wall area up to nine feet above the finished grade. The window requirement applies to the ground level of exterior building walls that abut sidewalks or roads.
  2. Required window areas shall be windows that allow views into either working areas, lobbies, pedestrian entrances or display windows.
- G. Lot Requirements. Minimum size requirements for this district will be determined by spatial requirements for on-site sewage disposal, required landscaped areas and off-street parking. No lot or parcel shall be created of less than a minimum of 10,000 square feet.
- H. Dimensional Standards.
- Lot Coverage. No lot coverage requirements, provided spatial requirements for parking, sewage disposal and landscaping are satisfied.
- I. Yard Standards.
1. Front Yard. The front yard shall be a maximum of 15 feet, except as otherwise allowed by DCC 18.124.070(D)(3).  
The street setback for buildings may be reduced, but not increased, to the average building setback distance of existing buildings on adjoining lots.
  2. Side Yard. No requirement, subject to DCC 18.66.040(I)(4).
  3. Rear Yard. No specific requirements, subject to DCC 18.66.040(I)(4).
  4. Exceptions to Yard Standards.
    - a. Lot line adjacent to a residential district. Any new structure requiring a building permit sited on a lot adjacent to a residential district shall be set back a minimum of 15 feet from the common property line. The required yard shall be increased by one foot for each foot by which the building height exceeds 20 feet.

- b. Lot line adjacent to an EFU zone. Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.

(Ord. 2015-022 §9, 2015; Ord. 2015-004 §3, 2015; Ord. 2004-002 §15, 2004; Ord. 97-063 §3, 1997; Ord. 97-003 §2, 1997)

#### **18.66.050. Commercial-Rural (TeCR) District.**

The Terrebonne Commercial-Rural District allows a mix of commercial and industrial uses common to a farming community.

A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review:

1. Single-family dwelling on a lot or parcel existing on June 4, 1997.
2. Manufactured home on a lot or parcel existing on June 4, 1997, subject to DCC 18.116.070.
3. Type I Home Occupation, subject to DCC 18.116.280.
4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
5. Class III road or street project.
6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116 and 18.124:

1. A building or buildings not exceeding 4,000 square feet of floor space to be occupied by any combination of the following uses:
  - a. Retail or service business.
  - b. Eating or drinking establishment.
  - c. Office.
  - d. Residential use in the same building as a use listed in DCC 18.66.050.
  - e. ~~Medical marijuana dispensary subject to DCC 18.116.320, Medical Marijuana Dispensary.~~  
Marijuana wholesaling, office only with no storage of marijuana items, subject to the provisions of DCC 18.116.330.
2. Any of the uses listed under DCC 18.66.050(B) proposing to occupy more than 4,000 square feet of floor area in a building or buildings, subject to provisions of DCC 18.66.050(E).

C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116, 18.124 and 18.128:

1. Church.
2. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
3. Park.
4. Public or semi-public building.
5. Utility facility.
6. Water supply or treatment facility.
7. Vehicle and trailer sales, service, repair and rental in a building or buildings not exceeding 4,000 square feet of floor area.
8. Uses listed below carried on in a building or buildings not exceeding 10,000 square feet of floor space to be occupied by any combination of the following uses:
  - a. Manufacturing or production.
  - b. Wholesale sales.
  - c. Mini-storage.
  - d. Truck terminal.
  - e. Farm or contractor equipment storage, sales, service or repair.
  - f. Uses that require proximity to rural resources, as defined in OAR 660-04-022- (3)(a).

9. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).

10. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

11. Marijuana processing subject to the provisions of DCC 18.116.330.

12. Marijuana retailing subject to the provisions of DCC 18.116.330.

D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.66.050(B) and (C).

1. Sewer and Water Requirements.

a. Applicant must obtain approval for an on-site sewage disposal system, or if applicable, obtain a Department of Environmental Quality (DEQ) Waste Water Pollution Control Facility (WPCF) permit before approval or as condition of approval of the land use permit.

b. The County shall notify the Terrebonne Domestic Water District of land use actions made under DCC 18.66.

2. Compatibility.

a. Any use on a lot adjacent to a residential district shall not emit odor, dust, fumes, glare, flashing lights, noise, or similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential lot.

b. Any use expected to generate more than 50 truck-trailer, contractors and/or farm heavy equipment trips per day to and from the subject property shall not locate on a lot or parcel adjacent to or across a local or collector road from a lot or parcel in a residential district.

c. No use shall be permitted that has been declared a nuisance by state statute, County ordinance or a court of competent jurisdiction.

d. No use requiring an air containment discharge permit shall be approved by the Planning Director or Hearings Body before review by the applicable state or federal permit-reviewing authority. Such uses shall not be located adjacent to or across a local or collector road from a lot or parcel in a residential district.

3. Traffic and Parking.

a. A use that generates more than 20 auto or truck trips during the peak hour of the day to and from the premises shall document with facts that the affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and level of service of the affected transportation facility.

b. All parking demand generated by uses permitted by DCC 18.66 shall be accommodated entirely on the premises.

c. Site design shall not require backing of traffic onto a public or private road right-of-way.

4. Additional Requirements. As a condition of approval of any use proposed, the Planning Director or Hearings Body may require:

a. An increased setback requirement.

b. Additional off-street parking and loading facilities.

c. Limitations on signs, lighting, hours of operation and points of ingress and egress.

d. Additional landscaped buffering and screening improvements.

E. Requirements for Large Scale Uses.

1. All uses listed in DCC 18.66.050(B) may be allowed to occupy a total floor area exceeding 4,000 square feet if the Planning Director or Hearings Body finds:

a. The use is intended to serve the community and surrounding rural area or the traveling needs of people passing through the area;

b. The use will primarily employ a work force from the community and surrounding rural area; and

c. It is not practical to contain the proposed use within 4,000 square feet of floor area.

2. This provision does not apply to uses listed in DCC 18.66.050(C)(8).

3. For purposes of DCC 18.66.050(E), the surrounding rural area described by the Terrebonne zip code, which extends south to the boundary of the Redmond zip code, west to the boundary of the Sisters zip code, east

into Crook County to the boundary of the Prineville zip code and north into Jefferson County to include Crooked River Ranch.

- F. Design Standards. Ground Floor Windows. The following criteria for ground floor windows apply to all new commercial buildings in the TeCR District except those containing uses listed in DCC 18.66.050(C)(8). The provisions of DCC 18.124 also apply.
1. The window area shall be at least 50 percent of the length of the ground level wall area and 25 percent of height of the ground level wall area. Ground level wall area includes all exterior wall area up to nine feet above the finished grade. The window requirement applies to the ground level of exterior building walls that abut sidewalks or roads.
  2. Required window areas shall be windows that allow views into either working areas, lobbies, pedestrian entrances or display windows.
- G. Lot Requirements. No lot shall be created less than a minimum of 10,000 square feet. Lot requirements for this district shall be determined by spatial requirements for sewage disposal, required landscaped areas and off-street parking.
- H. Dimensional Standards.
1. Lot Coverage: No lot coverage requirements, provided spatial requirements for parking, sewage disposal and landscaping are satisfied.
  2. No use listed in DCC 18.66.050(C)(8) that is located adjacent to or across a local or collector road from a lot or parcel in a residential district shall exceed 70 percent lot coverage by all buildings, outside storage or off-street parking and loading areas.
- I. Yard Standards.
1. Front Yard. The front yard shall be a maximum of 15 feet, except as otherwise allowed by DCC 18.124.070(D)(3)(b).  
The street setback for buildings may be reduced, but not increased, to the average building setback distance of existing buildings on adjoining lots.
  2. Side Yard. No requirement, subject to DCC 18.66.050(I)(4).
  3. Rear Yard. No specific requirement, subject to DCC 18.66.050(I)(4).
  4. Exceptions to Yard Standards.
    - a. Lot line adjacent to a residential zone. For all new structures requiring a building permit on a lot adjacent to a residential district, the setback shall be a minimum of 15 feet. The required yard will be increased by one foot for each foot by which the building height exceeds 20 feet.
    - b. Lot line adjacent to an EFU zone. Any structure requiring a building permit on a lot adjacent to EFU-zoned land that is receiving special assessment for farm use, shall be set back a minimum of 100 feet from the common property line.

(Ord. 2015-022 §9, 2015; Ord. 2015-004 §4, 2015; Ord. 2004-002 §16, 2004; Ord. 2001-039 §7, 2001; Ord. 2001-016 §2, 2001; Ord. 97-003 §2, 1997)

“\*\*\*\*\*” Denotes portions of this Section not amended by Ordinance 2015-022.

#### **18.67.040. Commercial (TuC) District.**

The Tumalo Commercial District is intended to allow a range of limited commercial and industrial uses to serve the community and surrounding area.

- A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review.
1. Single-family dwelling or duplex.
  2. Manufactured home subject to DCC 18.116.070.
  3. Type I Home Occupation, subject to DCC 18.116.280.
  4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.060 and 18.116.230.
  5. Class III road or street project.
  6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- B. Uses Permitted, Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.67, 18.116 and 18.124:
1. A building or buildings, none of which exceeds 4,000 square feet of floor space to be used by any combination of the following uses:
    - a. Retail or service business.
    - b. Eating and/or drinking establishment.
    - c. Offices.
    - d. Residential use in the same building as a use permitted in DCC 18.67.040.
    - e. ~~Medical marijuana dispensary subject to DCC 18.116.320, Medical Marijuana Dispensary.~~  
Marijuana wholesaling, office only with no storage of marijuana items, subject to the provisions of DCC 18.116.330.
  2. Any of the uses listed under DCC 18.67.040 proposing to occupy more than 4,000 square feet of floor area in a building subject to the provisions of DCC 18.67.040(E).
- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.116, 18.124, and 18.128:
1. Church.
  2. Bed and breakfast inn.
  3. Child care center.
  4. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
  5. Park.
  6. Public or semi-public building.
  7. Utility facility.
  8. Water supply or treatment facility.
  9. Manufactured home/RV park on a parcel in use as a manufactured home park or recreational vehicle park prior to the adoption of PL-15 in 1979 and being operated as of June 12, 1996 as a manufactured home park or recreational vehicle park, including any expansion of such uses on the same parcel as configured on June 12, 1996.
  10. The following uses and their accessory uses may be conducted in a building or buildings not to exceed 4,000 square feet of floor space.
    - a. Farm equipment, sales, service or repair.
    - b. Trailer sales, service or repair.
    - c. Vehicle service or repair.
    - d. Veterinary clinic.
  11. The following uses may be conducted in a building or buildings not to exceed 10,000 square feet of floor space:

- a. Manufacturing or production.
  - b. Wholesale sales.
  - c. Marijuana processing subject to the provisions of DCC 18.116.330.
  - d. Marijuana retailing subject to the provisions of DCC 18.116.330.
- 12. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- 13. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
- D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.67.040(C)(11).
  - 1. Compatibility.
    - a. Any use expected to generate more than 50 truck-trailer and/or heavy equipment trips per day to and from the subject property shall not be permitted to locate on a lot or parcel adjacent to or across a local or collector street from a lot or parcel in a residential district.
  - 2. Traffic and Parking.
    - a. A use that generates more than 20 auto or truck trips during the peak hour of the day to and from the premises shall document with facts that the affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and level of service of the affected transportation facility.
    - b. All parking demand generated by uses permitted by DCC 18.67 shall be accommodated entirely on the premises.
- E. Requirements for Large Scale Uses.
  - 1. All uses listed in DCC 18.67.040(B) may have a total floor area exceeding 4,000 square feet but not greater than 10,000 square feet if the Planning Director or Hearings Body finds:
    - a. The use is intended to serve the community and surrounding rural area or the traveling needs of people passing through the area;
    - b. The use will primarily employ a work force from the community and surrounding rural area; and
    - c. It is not practical to contain the proposed use within 4,000 square feet of the floor area.
  - 2. This provision does not apply to uses listed in DCC 18.67.040(C)(10).
  - 3. For the purposes of DCC 18.67.040, the surrounding rural area is described as the following: extending north to the Township boundary between Townships 15 and 16; extending west to the boundary of the public lands managed by the U.S. Forest Service in T16S-R11E; extending south to the south section lines of T17S-R12E sections 4,5,6 and T17S-R11E sections 1,2,3; and extending east to Highway 97.
- F. Design Standards. Ground Floor Windows. The following criteria for ground floor windows apply to new buildings in the TuC district except those uses listed in DCC 18.67.040(C)(10) and any residential use. The provisions of DCC 18.124 also apply.
  - 1. The windows must be at least 50 percent of the length of the ground level wall area and 25 percent of height of the ground level wall area. Ground level wall area includes all exterior wall area up to nine feet above the finished grade. The window requirement applies to the ground level of exterior building walls which abut sidewalks or streets.
  - 2. Required window areas shall be either windows that allow views into working areas, lobbies, pedestrian entrances or display windows.
- G. Lot Requirements. No lot shall be created having less than a minimum of 10,000 square feet. Lot requirements for this district shall be determined by spatial requirements for sewage disposal, required landscaped areas and off-street parking.
- H. Dimensional Standards.
  - 1. Lot Coverage: No lot coverage requirements, provided spatial requirements for parking, sewage disposal and landscaping are satisfied.



2. No use listed in DCC 18.67.040(C)(10) that is located adjacent to or across a local or collector from a lot or parcel in a residential district shall exceed 70 percent lot coverage by all buildings, outside storage, or off-street parking and loading areas.

I. Yard Standards.

1. Front Yard. The front yard shall be a maximum of 15 feet, except as otherwise allowed by DCC 18.124.070 (D)(3).

The street setback for buildings may be reduced, but not increased, to the average building setback distance of existing buildings on adjoining lots.

2. Side Yard. No requirement, subject to DCC 18.67.040(I)(4).
3. Rear Yard. No specific requirement, subject to DCC 18.67.040 (I)(4).
4. Exceptions to Yard Standards.

- a. Lot line adjacent to a residential zone.

For all new structures or substantial alteration of a structure requiring a building permit on a lot adjacent to a residential district, the setback shall be a minimum of 15 feet. The required yard will be increased by one foot for each foot by which the building height exceeds 20 feet.

- b. Lot line adjacent to an EFU zone. Any structure requiring a building permit on a lot adjacent to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.

(Ord. 2015-022 §10, 2015; Ord. 2015-004 §5, 2015; Ord. 2004-013 §7, 2004; Ord. 2004-002 §19, 2004; Ord. 2001-039 §8, 2001; Ord. 2001-016 §2, 2001; Ord. 2000-033 §11, 2000; Ord. 97-063 §3, 1997; Ord. 97-033 §2, 1997)

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**18.67.060. Industrial (TuI) District.**

The purpose of the Industrial District is to allow a limited range of industrial uses to serve the community and the surrounding area.

A. Uses permitted outright. The following uses and their accessory uses are permitted outright:

1. Industrial uses in existence on the date of adoption of the Unincorporated Communities rule, OAR 660-022 (October 28, 1994);
2. Office buildings associated with industrial uses in existence on the date of adoption of the Unincorporated Communities rule, OAR 660-022 (October 28, 1994);
3. Restaurants and cafeteria facilities associated with industrial uses in existence on the date of adoption of the Unincorporated Communities rule, OAR 660-022 (October 28, 1994);
4. Residence for caretaker or night watchman on property with industrial uses in existence on the date of adoption of the Unincorporated Communities rule, OAR 660-022 (October 28, 1994);
5. Equipment storage associated with industrial uses in existence on the date of adoption of the Unincorporated Communities rule, OAR 660-022 (October 28, 1994);
6. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.080 and 18.116.230.
7. Class III road or street project.
8. Operation, maintenance, and piping of existing irrigation systems operated by-an Irrigation District except as provided in DCC 18.120.050.

B. Uses Permitted, Subject to Site Plan Review. The following uses and their accessory uses are permitted in a building or buildings not to exceed 40,000 square feet of floor area, subject to the applicable provisions of DCC 18.67, 18.116, and 18.124.

1. Expansion or replacement of uses allowed under DCC 18.67.060(A);
2. Office buildings associated with industrial uses;
3. Restaurant and cafeteria facilities associated with industrial uses;
4. Residence for caretaker or night watchman on property with industrial uses;

5. Equipment storage associated with industrial uses;
  6. Primary processing, packaging, treatment, bulk storage and distribution of the following products:
    - a. Agricultural products, including foodstuffs, animal and fish products, and animal feeds.
    - b. Ornamental horticultural products and nurseries.
    - c. Softwood and hardwood products excluding pulp and paper manufacturing.
    - d. Sand, gravel, clay and other mineral products.
  7. Freight depot, including the loading, unloading, storage and distribution of goods and materials by railcar or truck;
  8. Contractor's or building materials business and other construction-related business including plumbing, electrical, roof, siding, etc.;
  9. Welding, sheet metal, or machine shop provided such is wholly enclosed within a building or all outside storage is enclosed by site-obscuring fencing.
  10. Mini-storage facility.
  11. Manufacturing, storage, sales, rental, repair and servicing of equipment and materials associated with farm and forest uses, logging, road maintenance, mineral extraction, construction or similar rural activities;
  12. Any industrial use proposing to occupy more than 40,000 square feet of floor area in a building or buildings is subject to the provisions of DCC 18.67.060(C) and (D).
  13. ~~Medical marijuana dispensary subject to DCC 18.116.320, Medical Marijuana Dispensary.~~  
Marijuana processing of cannabinoid concentrates and cannabinoid products not including processing of cannabinoid extracts subject to the provisions of DCC 18.116.330.
- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.116, 18.124, and 18.128:
1. Any use permitted by DCC 18.67.060(B) which will exceed 40,000 square feet of floor area;
  2. Concrete or ready mix plant;
  3. Stockpiling, storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland Cement Concrete;
  4. Buildings, structures, apparatus, equipment and appurtenances necessary for the above uses to be carried on.
  5. Marijuana processing subject to the provisions of DCC 18.116.330.
  6. Marijuana retailing subject to the provisions of DCC 18.116.330.
- D. Use limitations. The following limitations and standards shall apply to all permitted uses:
1. A new industrial use may occupy more than 40,000 square feet of floor area in a building or buildings provided an analysis set forth in the comprehensive plan demonstrates and land use regulations ensure:
    - a. The use will primarily employ a work force from the community and surrounding rural area and will not rely upon a work force served by uses within urban growth boundaries. The determination of the work force of the community shall consider the total industrial employment in the community and surrounding rural area and be coordinated with employment projections for nearby urban growth boundaries; and
    - b. It is not practical to contain the proposed use within 40,000 square feet of the floor area.
  2. For the purposes of DCC 18.67.060, the surrounding rural area is described as the following: extending north to the Township boundary between Townships 15 and 16; extending west to the boundary of the public lands managed by the U.S. Forest Service in T16S-R11E; extending south to the south section lines of T17S-R12E sections 4,5,6 and T17S-R11E sections 1,2,3; and extending east to Highway 97.
- E. Dimensional standards. In the Industrial Zone, the following dimensional standards shall apply:
1. The minimum lot size shall be determined subject to the provisions of DCC 18.67.060 relative to setback requirements, off-street parking and loading, and as deemed necessary by the Planning

Director or Hearings Body, to maintain air, water and land resource quality and to protect adjoining and area land uses.

2. The minimum building setback between a structure and a street, road or railroad right-of-way line shall be 25 feet unless a greater setback is required for compliance with Comprehensive Plan policies.
  3. The minimum setback between a structure and a property line adjoining a residential lot or use in a platted subdivision or residential zone shall be 50 feet.
  4. The minimum setback between a structure and an existing use shall be three feet from the property line and six feet from a structure on the adjoining property.
  5. The maximum building height shall be 45 feet on any lot adjacent to a residential use or lot in a platted subdivision or residential zone.
  6. The minimum lot frontage shall be 50 feet.
  7. Exception to Yard Standards. Any new structure requiring a building permit on a lot adjacent to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.
- F. Industrial Site design. The site design of any permitted use shall make the most effective use reasonably possible of the site topography, existing landscaping and building placement so as to preserve existing trees and natural features, preserve vistas and other views from public ways and neighboring residential uses and to minimize intrusion into the character of existing developments in the immediate vicinity of the proposed use.
- G. Design and use criteria. In the consideration of an application for a new industrial use, the Planning Director or Hearings Body shall take into account the impact of the proposed use on nearby residential and commercial uses, on resource carrying capacities and on the capacity of transportation and other public facilities and services. In approving a proposed use, the Planning Director or Hearings Body shall find that:
1. The new use is in compliance with the Comprehensive Plan.
  2. The new use is in compliance with the intent and provisions of DCC Title 18.
  3. That any adverse social, economical, physical or environmental impacts are minimized.
- H. Additional requirements. As a condition of approval, the Planning Director or Hearings Body may require:
1. An increase in required setbacks.
  2. Additional off-street parking and loading facilities.
  3. Limitations on signs or lighting, hours of operation, and points of ingress and egress.
  4. Additional landscaping, screening and other improvements.
  5. Any other conditions considered necessary to achieve compliance with the intent and purposes of DCC Title 18 and policies of the Comprehensive Plan.
- I. For purposes of this chapter, a new industrial use does not include industrial uses in existence on the date of Ord. 2005-16. Unless expanded or altered, industrial uses in existence on the date of adoption of the TUI District are not subject to the requirements of 18.67.060(B) or 18.67.060(C).

(Ord. 2015-022 §10, 2015; Ord. 2015-004 §6, 2015; Ord. 2005-016 §2, 2005

**18.74.020. Uses Permitted – Deschutes Junction and Deschutes River Woods Store.**

B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116 and 18.128:

1. A building or buildings not exceeding 2,500 square feet of floor space to be used by any combination of the following uses.
  - a. Restaurant, café or delicatessen.
  - b. Grocery store.
  - c. Tavern.
  - d. Retail sporting goods and guide services.
  - e. Barber and beauty shop.
  - f. General store.
  - g. Video store.
  - h. Antique, art, craft, novelty and second hand sales if conducted completely within an enclosed building.
  - ~~i. Medical marijuana dispensary subject to DCC 18.116.320, Medical Marijuana Dispensary.~~
2. Expansion of a nonconforming use listed under section B(1)(a-h), existing as of 11/05/2002, the date this chapter was adopted, shall be limited to 2,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.
3. A building or buildings not exceeding 3,500 square feet of floor space to be used by any combination of the following uses.
  - a. Retail sales of agricultural or farm products.
  - b. Farm machinery sales and repair.
  - c. Kennel.
  - d. Veterinary clinic.
  - e. Automobile service station and repair garage, towing service, fuel storage and sales.
  - f. Public or semi-public use.
  - g. Residential use in the same building as a use permitted by this chapter.
  - h. Park or playground.
4. Expansion of a nonconforming use listed under section B(3)(a-h), existing as of 11/05/2002, the date this chapter was adopted, shall be limited to 3,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.

C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116, 18.124 and 18.128:

1. A building or buildings not exceeding 3,500 square feet of floor space to be used by any combination of the following uses.
  - a. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
  - b. Utility facility.
  - c. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
  - d. Child care center.
  - e. Church.
  - f. School.
2. Recreational vehicle park
3. Mini-storage facilities limited to 35,000 square feet in size.
4. Marijuana retailing subject to the provisions of DCC 18.116.330.

(Ord. 2015-022 §11, 2015; Ord. 2015-004 §7, 2015; Ord. 2008-008 §1, 2008; Ord. 2004-002 §20, 2004; Ord. 2002-019 §2, 2002)

**18.74.025. Uses Permitted – Spring River.**

A. Uses Permitted subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116 and 18.124:

1. A building or buildings not exceeding 2,500 square feet of floor space to be used by any combination of the following uses:
  - a. Fishing supplies and equipment.
  - b. Snowmobiling accessories.
  - c. Marine accessories.
  - d. General store.
  - e. Hardware store.
  - f. Convenience store with gas pumps.
  - g. Fast food restaurant, cafe, or coffee shop.
  - h. Recreational rental equipment store.
  - i. Excavation business.
  - j. Landscaping business/service.
  - k. Health care service.
  - l. Beauty shop.
  - m. Video store.
  - o. Post office.
  - p. Party supply.
  - q. Equipment sales and rental.
  - r. Appliance store.
  - s. Bank.
  - t. Exterminator.
  - u. Private mailing and packaging store.
  - v. Bakery.
  - ~~w. Medical marijuana dispensary subject to DCC 18.116.320, Medical Marijuana Dispensary.~~
2. Expansion of a nonconforming use listed in section A(1)(a-v), existing as of 11/05/02, the date this chapter was adopted, shall be limited to 2,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.
3. A building or buildings not exceeding 3,500 square feet of floor space to be used by any combination of the following uses:
  - a. Pet and livestock supply.
  - b. Farm machinery sales and repair.
4. Expansion of a nonconforming use listed in section A(3)(a-b), existing as of 11/05/02, the date this chapter was adopted, shall be limited to 3,500 square feet of floor space or 25 percent of the size of the building as of said date, whichever is greater.
- B. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116, 18.124 and 18.128:
  1. A building or buildings not exceeding 2,500 square feet of floor space to be used by any combination of the following uses:
    - a. Full service gas station with automobile repair services.
    - b. Welding shop.
    - c. Mini-storage units
    - d. Marijuana retailing subject to the provisions of DCC 18.116.330.
  2. Expansion of a nonconforming use listed in section B(1)(a-c), existing as of 11/05/02, the date this chapter was adopted, shall be limited to 2,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.
- C. Definitions. For the purposes of DCC 18. 74.120, the following definitions shall apply:
  1. Landscaping business/service: Includes designing landscapes, site grading and preparation, placing boulders, planting trees and shrubbery, installing sod, installing irrigation systems and equipment, installing fencing, and landscape maintenance, but does not include on-site cultivation of plants or plant materials or any on-site retail sales.

2. Health care service: A business providing the diagnosis, treatment and care of physical and/or mental disease, injury and/or disability, but not including a hospital facility or a nursing home as defined in DCC 18.04.
3. Beauty Shop: A full service beauty salon which would include haircuts, permanents, washes, nails, etc., and the retail sales of incidental beauty supplies typical of any beauty salon.
4. Mini-storage units: Self service mini-storage units of various sizes from 5' x 10' up to 12' x 24'.
5. Video store: The sale and rental of videotapes, compact disc movies and audio books.
6. Laundry and dry cleaners: Dry cleaners, shirt laundry and laundromat with self-service washers and dryers along with the sale of detergents, bleaches, etc.
7. Post office: United States Postal Service office including mail pick-up and distribution.
8. Party supply: The sale and rental of party supplies such as balloons, streamers, costumes, dishes, linens and silverware.
9. Equipment sales and rental: The rental of construction, home repair and maintenance equipment such as ladders, mowers, saws, gardening supplies, etc., and the sales of related equipment.
10. Appliance store: The sale and service of household appliances such as televisions, ranges, refrigerators, etc.
11. Bank: Full service consumer bank for checking, savings, loans, safety deposit boxes, etc.
12. Exterminator: Exterminator of insects and other pests such as rodents, spiders, etc.
13. Private mailing and packaging store: Private mail boxes and packaging services, which would include the holding and distribution of mail, packing, mailing supplies, FEDEX and UPS pick-up, and FAX and copy machine availability.
14. Bakery: The manufacture and sale of bread, donuts and pastries.
15. Pet and livestock supplies: The sale of pet supplies such as dog and cat food, collars, grooming needs, shelters and some large animal supplies such as hay, feeds and grains.

(Ord. 2015-022 §11, 2015; Ord. 2015-004 §7, 2015; Ord. 2008-008 §1, 2008; Ord. 2006-008 §7, 2006; Ord. 2002-019 §2, 2002; Ord. 97-015 §1, 1997; Ord. 96-046 §1, 1996; Ord. 96-023 §1, 1996)

#### **Section 18.74.027. Uses Permitted – Pine Forest and Rosland.**

- A. Uses Permitted Outright. Any use listed as a use permitted outright by DCC 18.74.020(A).
- B. Uses Permitted subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116 and 18.124:
  1. A building or buildings each not exceeding 2,500 square feet of floor space to be used by any combination of the following uses that serve the surrounding rural area or the travel needs of persons passing through the area:
    - a. Eating and drinking establishments.
    - b. Retail store, office and service establishments.
    - c. ~~Medical marijuana dispensary subject to DCC 18.116.320, Medical Marijuana Dispensary.~~  
Marijuana wholesaling, office only with no storage of marijuana products, subject to the provisions of DCC 18.116.330.
  2. Expansion of a nonconforming use existing as of 11/05/2002 shall be limited to 2,500 square feet or 25 percent of the size of the building (or portion of the building) housing the nonconforming use as of said date, whichever is greater.
  3. A building or buildings each not exceeding 3,500 square feet of floor space to be used by any combination of the following uses:
    - a. Sales of agricultural or farm products.
    - b. Farm machinery sales and repair.
    - c. Kennel or veterinary clinic.
    - d. Automobile service station, repair garage, towing service, fuel storage and fuel sales.
    - e. Public or semi-public use.
    - f. Residential use in the same building as a use permitted in this chapter.

- g. Park or playground.
  - 4. Expansion of a nonconforming use existing as of 11/05/2002 shall be limited to 3,500 square feet each or 25 percent of the size of the building (or portion of the building) housing the nonconforming use as of said date, whichever is greater.
  - C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116, 18.124 and 18.128:
    - 1. A building or buildings each not exceeding 3,500 square feet of floor space to be used by any of the following uses:
      - a. Home occupation as defined in DCC 18.04.
      - b. Utility facility.
      - c. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
      - d. Child care center.
      - e. Church.
      - f. School.
      - g. Marijuana retailing subject to the provisions of DCC 18.116.330.
    - 2. Recreational vehicle park.
    - 3. Mini-storage facilities limited to 35,000 square feet in size.
- (Ord. 2015-022 §11, 2015; Ord. 2015-004 §7, 2015; Ord. 2008-008 §1, 2008; Ord. 2007-007 §1, 2007; Ord. 2003-080, §1, 2003)

### **18.100.010. Uses Permitted Outright.**

In an R-I Zone, the following uses and their accessory uses are permitted outright except as limited by DCC 18.100.040, and unless located within 600 feet from a residential dwelling, a lot within a platted subdivision or a residential zone.

- A. Farming or forest use.
- B. Primary processing, packaging, treatment, bulk storage and distribution of the following products:
  - 1. Agricultural products, including foodstuffs, animal and fish products, and animal feeds.
  - 2. Ornamental horticultural products and nurseries.
  - 3. Softwood and hardwood products excluding pulp and paper manufacturing.
  - 4. Sand, gravel, clay and other mineral products.
- C. Residence for caretaker or night watchman on property.
- D. Freight Depot, including the loading, unloading, storage and distribution of goods and materials by railcar or truck.
- E. Contractor's or building materials business and other construction-related business including plumbing, electrical, roof, siding, etc., provided such use is wholly enclosed within a building or no outside storage is permitted unless enclosed by sight-obscuring fencing.
- F. Ice or cold storage plant.
- G. Wholesale distribution outlet including warehousing, but excluding open outside storage.
- H. Welding, sheet metal or machine shop provided such is wholly enclosed within a building or all outside storage is enclosed by sight-obscuring fencing.
- I. Kennel or a Veterinary clinic.
- J. Lumber manufacturing and wood processing except pulp and paper manufacturing.
- K. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- L. Class III road or street project.
- M. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- N. ~~Medical marijuana dispensary subject to DCC 18.116.320, Medical Marijuana Dispensary:~~  
Marijuana processing of cannabinoid concentrates and cannabinoid products not including processing of cannabinoid extracts subject to the provisions of DCC 18.116.330.  
(Ord. 2015-022 §12, 2015; Ord. 2015-004 §8, 2015; Ord. 2002-126, §1, 2002; Ord. 2001-039 §12, 2001; Ord. 2001-016 §2, 2001; Ord. 93-043 §16, 1993; Ord. 91-038 §1, 1991)

### **18.100.020. Conditional Uses.**

The following uses may be allowed subject to DCC 18.128:

- A. Any use permitted by DCC 18.100.010, which is located within 600 feet of a residential dwelling, a lot within a platted subdivision or a residential zone.
- B. Any use permitted by DCC 18.100.010, which involves open storage.
- C. Concrete or ready-mix plant.
- D. Petroleum products storage and distribution.
- E. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland Cement Concrete.
- F. Commercial feedlot, stockyard, sales yard, slaughterhouse and rendering plant.
- G. Railroad trackage and related facilities.
- H. Pulp and paper manufacturing.
- I. Any use permitted by DCC 18.100.020010, which is expected to exceed the following standards:
  - 1. Lot coverage in excess of 70 percent.
  - 2. Generation of any odor, dust, fumes, glare, flashing lights or noise that is perceptible without instruments 500 feet from the property line of the subject use.



- J. Manufacture, repair or storage of articles manufactured from bone, cellophane, cloth, cork, feathers, felt, fiber, glass, stone, paper, plastic, precious or semiprecious stones or metal, wax, wire, wood, rubber, yarn or similar materials, provided such uses do not create a disturbance because of odor, noise, dust, smoke, gas, traffic or other factors.
  - K. Processing, packaging and storage of food and beverages including those requiring distillation and fermentation.
  - L. Public Landfill Transfer Station, including recycling and other related activities.
  - M. Mini-storage facility.
  - N. Automotive wrecking yard totally enclosed by a sight-obscuring fence.
  - O. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
  - P. Utility facility.
  - Q. Manufacturing, storage, sales, rental, repair and servicing of equipment and materials associated with farm and forest uses, logging, road maintenance, mineral extraction, construction or similar rural activities.
  - R. Electrical substations.
  - S. Marijuana retailing subject to the provisions of DCC 18.116.330.
  - T. Marijuana processing of cannabinoid extracts subject to the provisions of DCC 18.116.330
  - U. Marijuana production subject to the provisions of DCC 18.116.330.
- (Ord. 2015-0022 §12, 2015; Ord. 2004-013, §10, 2004; Ord. 2002-126, §1, 2002; Ord. 2001-039 §12, 2001; Ord. 2001-016 §2, 2001; Ord. 97-063 §3, 1997; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991; Ord. 90-014 §38, 1990; Ord. 86-018 §15, 1986)

**18.108.050. Commercial - C District.**

- A. Uses Permitted Outright. Any combination of the following uses and their accessory uses are permitted outright in the C district.
1. Recreational path.
  2. Ambulance service.
  3. Library.
  4. Church.
  5. Bus stop.
  6. Community center.
  7. A building or buildings each not exceeding 8,000 square feet of floor space housing any combination of:
    - a. Retail/rental store, office and service establishment.
    - b. Art galleries
    - c. Dry cleaner and/or self-service laundry establishment.
    - d. Radio and television sales and service.
    - e. Radio and television broadcasting studios and facilities, except towers.
    - f. Restaurant, bar and cocktail lounge, including entertainment.
    - g. Automobile service station.
    - h. Technical and business school.
    - i. Catering establishment.
    - j. Crafts in conjunction with retail sales (occurring on premises, such as stained glass/pottery, etc.).
    - k. Medical and dental clinic, office and laboratory.
    - l. Theater not exceeding 4,000 square feet of floor area.
    - ~~m. Medical marijuana dispensary subject to DCC 18.116.320, Medical Marijuana Dispensary.~~
    - n. Marijuana wholesaling, office only with no storage of marijuana items, subject to the provisions of DCC 18.116.330.
  8. Multiple-family residential dwelling units, subject to the provisions of DCC 18.108.050(C)(1).
  9. Residential dwelling units constructed in the same building as a commercial use, subject to the provisions of DCC 18.108.050(C)(2).
  10. Post Office.
  11. Administrative and office facility associated with a community association or community use.
  12. Police facility.
- B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit.
1. Public buildings and public utility buildings and structures.
  2. Club, lodge or fraternal organization.
  3. Commercial off-street parking lot.
  4. Bus passenger station.
  5. Interval ownership and/or time-share unit or the creation thereof.
  6. Miniature golf.
  7. Bed and breakfast inn.
  8. Inn.
  9. Residential facility.
  10. A building or buildings each not exceeding 8,000 square feet of floor space housing any combination of:
    - a. Bowling alley.
    - b. Car wash.
    - c. Dancing or music school, nursery school, kindergarten and day-care facility.
    - d. Theater exceeding 4,000 square feet in floor area.

- e. Veterinary clinic or kennel operated entirely within an enclosed building.
- f. Automotive repair and maintenance garage, or tire store, provided the business is wholly conducted within an enclosed building.
- g. Marijuana retailing subject to the provisions of DCC 18.116.330.

C. Use Limits.

1. Multiple-family residential dwelling units, allowed on the nine acres vacant as of December 31, 1997 in the C District, shall be subject to the provisions of DCC 18.108.040(C) and (D), and the following requirements:
  - a. No dwelling unit shall have more than three bedrooms.
  - b. Individual dwelling units shall not exceed 2,250 square feet of habitable floor area.
  - c. One off-street parking space shall be provided for each bedroom within each dwelling unit, with a maximum of two spaces allowed per dwelling unit.
2. Residential dwelling units constructed in the same building as a commercial use developed in the C district shall be subject to the following requirements:
  - a. Residential dwelling units shall be developed above first floor commercial use.
  - b. No dwelling unit shall have more than two bedrooms.
  - c. Individual dwelling units shall not exceed 850 square feet of floor area.
  - d. One off-street parking space shall be provided for each bedroom within each dwelling unit.
3. Uses permitted either outright or conditionally in the C District shall not involve the transport of chemicals which would present a significant hazard.

D. Special Requirements for Large Scale Uses. Any of the uses listed in DCC 18.108.050(A)(7) or DCC 18.108.050(B)(10) may be allowed in a building or buildings each exceeding 8,000 square feet of floor space if the Planning Director or Hearings Body finds:

1. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the needs of the people passing through the area. For the purposes of DCC 18.108.050(D), the surrounding rural area shall be that area identified as all property within five miles of the boundary of the Sunriver Urban Unincorporated Community;
2. The use will primarily employ a work force from the community and surrounding rural area; and
3. That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space.

E. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.

F. Lot Requirements. The following lot requirements shall be observed:

1. Lot Area. No requirements.
2. Lot Width. No requirements.
3. Lot Depth. 100 feet.
4. Front Yard. The front yards shall be a minimum of 10 feet.
5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yards shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
7. Lot Coverage. No requirements.

(Ord. 2015-0022 §13, 2015; Ord. 2015-004 §9, 2015; Ord. 2003-026 §1, 2003; Ord. 98-016 §1, 1998; Ord. 97-078 §2, 1997)

**18.108.055. Town Center – TC District**

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright in the TC District.

1. Park or plaza.
  2. Library.
  3. Community center.
  4. Visitors center.
  5. A building, or buildings each not exceeding 8,000 square feet of floor space, unless approved as a Large Scale Use pursuant to DCC 18.108.055(C), including any of the following uses:
    - a. Retail/rental store, office, civic and service establishment.
    - b. Grocery store.
    - c. Art gallery.
    - d. Restaurant, bakery, delicatessen, pub, cocktail lounge, including entertainment.
    - e. Health care service including medical and dental clinic, office, pharmacy, and laboratory but excluding nursing homes.
    - f. Health & fitness facility.
    - g. Barber, beauty shop or spa.
    - h. Child care center, preschool and daycare facility.
    - i. Bank.
    - j. Post office.
    - k. Veterinary clinic (without animal boarding facilities).
    - l. Crafts in conjunction with retail sales (occurring on premises such as sculpture, stained glass, pottery, etc.).
    - m. Meeting room, convention and banquet facility.
    - n. Property sales, mortgage, management or rental office.
    - o. Movie theater.
    - ~~p. Medical marijuana dispensary subject to DCC 18.116.320, Medical Marijuana Dispensary.~~
  6. Multi-family Residential, subject to paragraphs (E)(1) and (2).
  7. Developed recreational facilities, outdoors or in a building or buildings each not exceeding 8,000 square feet of floor space, unless approved as a Large Scale Use pursuant to DCC 18.108.055(C), including, but not limited to the following facilities:
    - a. Indoor and outdoor swimming pools.
    - b. Ice skating rink.
    - c. Indoor and outdoor tennis courts.
    - d. Indoor and outdoor basketball court or other ball field.
    - e. Physical fitness facilities.
    - f. Park, playground and picnic and barbeque area.
    - g. Walkways, bike paths, jogging paths.
    - h. Bowling alley.
    - i. Arcade.
  8. Hotel with up to 100 hotel units in a single building.
  9. Mixed Use Structure, subject to the rules of DCC 18.108.055(E)(3) and a limit of 8,000 square feet of floor space for commercial uses listed in DCC 18.108.055(A)(5) or recreational uses listed in DCC 18.108.055(A)(7), unless said uses are approved as large scale uses pursuant to DCC 18.108.055(C).
  10. Residential Facility.
  11. Senior housing/assisted living or active adult development, excluding nursing homes.
  12. Townhomes, subject to paragraphs (E)(1) and (2).
  13. Accessory uses to uses permitted outright, including, but not limited to, parking facilities, private roads, storage facilities, trash receptacles and recycling areas.
  14. Similar uses to those allowed outright, provided they are approved by the County in the decision approving the Conceptual Site Plan described in DCC 18.108.055(K).
- B. Conditional Uses Permitted. The following conditional uses may be permitted pursuant to the provisions of DCC 18.128, Conditional Use Permits.

1. Public buildings and public utility buildings and structures.
  2. Bed and breakfast inn.
  3. Ambulance service.
  4. Fire station.
  5. Police station.
  6. Bus passenger station.
  7. Live/work residence.
  8. Stand-alone parking structure.
  9. Accessory uses to the above-listed conditional uses.
  10. Marijuana retailing subject to the provisions of DCC 18.116.330.
- C. Special Requirements for Large Scale Uses. Any of the uses listed in DCC 18.108.055(A)(5) or (A)(7) may be allowed in a building or buildings each exceeding 8,000 square feet of floor space if the Planning Director or Hearings Body finds:
1. That the intended customers for the proposed use will come from the Sunriver community and surrounding rural area. The surrounding rural area is the area identified as all property within five miles of the boundary of the Sunriver Urban Unincorporated Community; and/or
  2. The use will meet the needs of the people passing through the area.
- D. Form of Ownership/List of Uses.
1. Any lawful form of ownership is allowed in the TC District.
  2. The listing of uses permitted in the TC District is not intended to prohibit other uses allowed elsewhere in Sunriver.
  3. When a general use listed in the TC District includes a use or type of ownership that is more specifically described in another zone in Sunriver, the specific listing elsewhere does not prohibit that use from being conducted in the TC District.
- E. Use Limits.
1. Commercial uses, except for Type 1 home occupations as defined in DCC 18.116.280, are not allowed in Multi-family Residential buildings or Townhomes.
  2. Notwithstanding subsection (E)(1), above, the following uses are allowed in Multi-family Residential buildings or Townhomes:
    - a. Live/work residences.
    - b. Lock-off areas.
    - c. Accessory uses to the residential use of the building, such as parking and storage areas.
  3. In a Mixed Use Structure, any ground floor unit that has primary frontage along a public plaza approved as part of a Conceptual Site Plan shall be used only for commercial, recreational or community/governmental uses, but not for hotel units.
  4. A live/work residence is subject to the following conditions.
    - a. One or more walls of the residence adjoin another residential or commercial building.
    - b. The first floor above the garage is the ground floor, where a parking garage is provided below a residence, below the average finished grade and is completely obscured from view on at least one side of the building.
    - c. The commercial area of the live/work residence may not exceed fifty percent (50%) of the square footage of the entire unit, excluding the garage.
    - d. The commercial area shall not exceed 8,000 square feet in combination with other commercial uses in the same building unless the building has been approved as a part of a Large Scale Use pursuant to DCC 18.108.055(C).
- F. Building Height Regulations.
1. Except as provided in subsection (2), below, no Mixed Use Structure shall be erected, enlarged or structurally altered to exceed 60 feet in height.
  2. One Mixed Use Structure shall be permitted with a maximum height not to exceed 75 feet in height, so long as the building footprint of that portion of said building that exceeds 60 feet in height is not greater than 40,000 square feet of the footprint.

3. Townhomes may not exceed 40 feet in height.
  4. Multi-family Residential buildings that are not Mixed Use Structures may not exceed 50 feet in height.
  5. The height of all other buildings for uses other than those described in subsections (F)(1)-(4), above, may not exceed 45 feet in height.
  6. Where a parking garage is provided beneath buildings or structures described in subsection (F)(1) and (2), above, the height of the building shall be measured from the highest point of the roof to one of the following points:
    - a. A point equal to the elevation of the highest adjoining sidewalk or ground surface within a five foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest elevation adjacent to the building; or
    - b. A point equal to the elevation that is 10 feet higher than the lowest grade from the sidewalk or ground surface described in subsection (a), above, when the sidewalk or ground surface described in subsection (a) is more than 10 feet above lowest grade adjacent to the building.
  7. Projections and architectural elements such as chimneys, spires, clock towers, skylights, atriums, flag poles, mechanical equipment and screens and other similar items that do not add habitable interior floor area may be allowed to exceed the height limit by a maximum of 10 feet.
  8. Buildings that comply with the height limitations of this subsection also comply with the view protection requirement imposed by DCC 18.124.060(A).
- G. Lot Requirements. The following lot requirements shall be observed.
1. Front yard: the front yard shall be a minimum of 10 feet.
    - a. Where a lot has more than one front yard, only one front yard must meet the 10 feet minimum.
    - b. Below-grade parking structures that are built under private streets do not need to meet front yard setback requirements.
  2. Side yard: 0 feet.
  3. Rear yard: 0 feet.
  4. Frontage: 0 feet.
  5. Road Access.
    - a. Each lot shall have access to any required parking areas and driveways, and to a private road, via a perpetual easement recorded for the benefit of the subject lot.
- H. District Setback.
1. All development, including structures and sight-obstructing fences over three feet in height, shall be set back from exterior TC District boundaries by the following distances:
    - a. Where the TC District boundary borders an RS or RM District, the minimum setbacks will be:
      - 1) 15 feet from the TC District boundary for any portion of a building that is 45 feet or lower
      - 2) 20 feet from the TC District boundary for any portion of a building that is over 45 feet in height and that does not exceed 50 feet in height.
      - 3) 50 feet from the TC District boundary for any portion of a building that is over 50 feet in height.
    - b. Where the TC District boundary borders a CL District, the minimum setbacks will be:
      - 1) Five feet from the TC District boundary for any portion of a building that is 45 feet or lower.
      - 2) 10 feet from the TC District boundary for any portion of a building that is over 45 feet in height and that does not exceed 50 feet in height.
      - 3) 20 feet from the TC District boundary for any portion of a building that is over 50 feet in height and that does not exceed 60 feet in height.
      - 4) 50 feet from the TC District boundary for any portion of a building that is over 60 feet in height.
    - c. Where the TC District boundary borders any other zoning district, the minimum setback will be:

- 1) 10 feet from the TC District boundary for any portion of a building that is 45 feet in height or lower.
  - 2) 15 feet from the TC District boundary for any portion of a building that is over 45 feet in height and that does not exceed 50 feet in height.
  - 3) 20 feet from the TC District boundary for any portion of a building that is over 50 feet in height.
2. Items allowed in the District Setback include, but are not limited to, parking, roads, signage, pedestrian pathways, street trees, planters, driveways, landscaping, and outdoor seating.
- I. Floor Area Ratio.
1. The maximum Floor Area Ratio in the TC District is 1.0.
  2. Floor Area Ratio is determined by dividing the enclosed floor area of all floors of all buildings that are proposed by a Conceptual Site Plan by the land area to be bound by the Conceptual Site Plan.
  3. The following areas are not a part of the “enclosed floor area of all buildings”:
    - a. Below-grade parking garages and mechanical rooms and storage areas located on the same floor as the parking garage.
    - b. Crawl spaces and attics that are not suited to human occupancy.
- J. Zone Coverage.
1. The total square footage of the building footprints of buildings and enclosed structures is limited to fifty percent (50%) of the gross acreage bound by a Conceptual Site Plan in the TC District.
  2. The total square footage of the building footprints of Multi-family Residential and Townhome buildings allowed by DCC 18.108.055(A)(6) and (12) is limited to a maximum of twenty percent (20%) of the gross acreage of the TC District.
  3. When calculating the building footprint, buildings and enclosed structures include any deck that is more than 12 inches above finished grade and all areas within any screened enclosure permanently affixed to the ground.
  4. The following are not included as building or structures for purposes of calculating building footprint:
    - a. Eaves and any driveway, road, walkway, deck, patio, plaza, or porch that is 12 inches or less above finished grade (except with affixed improvements that exceed 12 inches); and
    - b. Parking areas on or below finished grade.
- K. Conceptual Site Plan.
1. Prior to or concurrent with approval of a site plan or conditional use permit, an applicant must file for approval of a Conceptual Site Plan.
  2. A Conceptual Site Plan shall provide a master plan that depicts the approximate location of all of the applicant’s proposed land uses.
  3. All land owned or controlled by the applicant in the TC District must be shown on and will be bound by the applicant’s Conceptual Site Plan.
  4. A Conceptual Site Plan application must include all of the following information:
    - a. Types of uses.
    - b. Site circulation.
    - c. Pedestrian Facilities.
    - d. Traffic impact study, as described in DCC 17.16.115.
    - e. The following additional information:
      - 1) An analysis of site access points to Abbott Drive and Beaver Drive by a registered professional engineer who specializes in traffic analysis work that describes operational, capacity and sight distance issues of those access points and the impact of Conceptual Site Plan development on those access points.
      - 2) Identification of street system improvements needed to support the proposed development based on the information provided by the reviews required by this subsection (d).
      - 3) A schedule for the construction of needed street improvements, if any, keyed to development benchmarks.

- f. Approximate location of phase boundaries, if phased development is proposed, and notation of the phasing sequence.
- g. The projected location and projected range of building or structure size, in square feet, for commercial uses.
- h. The projected location and projected range of the number of dwelling units for residential use.
- i. The projected location and approximate size, in square feet, of plazas and public gathering areas.
- j. Elevations throughout the site that represent general elevations of each use.
  - 1) Examples of uses for which such elevations should be shown on the Conceptual Site Plan are residential, hotel or commercial structures, pedestrian plazas, parking areas, road intersections, and at length along all roadways.
  - 2) Such elevations must show existing and projected finished elevations.
- k. The projected footprint and location of new buildings or parking areas. The exact footprints and locations of buildings and parking areas shall be determined during site plan review.
- l. Existing uses on lands owned or controlled by persons other than the applicant.
5. A Conceptual Site Plan shall be approved if it demonstrates that future development is located on the subject property so that, in addition to the requirements of DCC 18.108.055, the following standards can be met at the time of site plan review:
  - a. DCC 23.40.025; and
  - b. DCC 18.124.060 (A) - (E) and (I); interpreted as described in DCC 23.40.025(E)(1)(d)(3).
6. Approval of a Conceptual Site Plan does not authorize uses or development.
7. An applicant shall commence development within five years of the date of final approval of the Conceptual Site Plan unless an extension of the duration of approval of the Conceptual Site Plan has been granted pursuant to DCC 22.36.010(C).
8. Substantial construction of a Conceptual Site Plan development, for purposes of DCC 22.36.020(A)(2), occurs when the first building authorized by the Plan has been substantially constructed, as defined by DCC 22.36.020(B).
- L. Application and approval process.
  1. A site plan or conditional use application shall be consistent with the Conceptual Site Plan with the following exceptions.
    - a. Existing structures or features can be used or altered to meet the requirements of subsections (5) and (10)-(13) of this subsection.
    - b. If the existing structures or features were included in a site plan approval under DCC 18.108.055 and the existing structures or features are proposed to be altered by subsequent site plan, that subsequent site plan must demonstrate compliance with the requirements of subsections (5) and (10)-(13) of this subsection.
  2. A site plan application shall include the number of all uses by type, their ITE code and their pm peak hour trips.
  3. Each site plan, cumulatively with any previously approved site plan, shall demonstrate that the development will not generate traffic at a rate that will exceed the number of pm peak hour vehicle trips for residential and commercial uses assumed in the traffic study required by subsection (K)(4) above.
  4. Adjustments may be made to building locations, sizes, footprints, unit counts and phase boundaries shown on the Conceptual Site Plan during site plan review if such adjustments do not constitute a change requiring modification of approval of the Conceptual Site Plan pursuant to DCC 22.36.040.
  5. An applicant seeking site plan approval shall demonstrate that, when the development that is subject to the site plan approval is complete, a ratio of 150 square feet of commercial space to one dwelling unit will be met.
  6. The term "dwelling unit" used in subsection (5), above, includes:
    - a. All hotel and residential dwelling units, including Multi-family Dwellings and Townhomes.



- b. Lock-off Areas shall be counted as a half dwelling unit for purposes of calculating the ratio described in subsection (5), above.
- 7. The development in the TC District, cumulatively with any previously approved site plan, must meet the ratio in subsection (5) above.
- 8. When a second or subsequent site plan is approved a commercial area shown on a prior site plan may be counted toward meeting the required ratio in Subsection (5) above only if construction of the commercial area approved on a prior site plan has been commenced.
- 9. The site plan shall include the projected finished and existing grade elevations of the site indicating every foot of elevation change on the subject property.
- 10. Each site plan, cumulatively with all previously approved site plans, shall demonstrate compliance with the fifteen percent (15%) lot area landscaping requirement of DCC 18.124.070(B)(1)(a).
  - a. Landscape areas existing as of the adoption of Ordinance 2008-105 may be used to determine compliance with the fifteen percent (15%) rule as long as the existing landscaping is included in the site plan.
  - b. In the TC District, plazas available to the public may be included to demonstrate compliance with the fifteen percent (15%) landscaping requirement.
- 11. Each site plan, cumulatively with all previous site plans, shall demonstrate compliance with the FAR requirements of DCC 18.108.055(I).
- 12. Each site plan, cumulatively with all previously approved site plans, shall demonstrate compliance with the recreation space requirements of DCC 18.124.070(A)(2).
- 13. Each site plan, cumulatively with all previously approved site plans, shall demonstrate compliance with the zone coverage requirements of DCC 18.108.055(J).
- 14. Where improved bike paths cross land proposed for site plan development, the applicant shall retain or relocate and rebuild the bike path.
- M. Any application for a zone change to the Town Center District shall include a copy of a signed development agreement between the property owner, the applicant, if different than the property owner, and the homeowners association.

(Ord. 2015-0022 §13, 2015; Ord. 2015-004 §9, 2015; Ord. 2008-015 §2, 2008)

#### **18.108.110. Business Park - BP District.**

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
  - 1. Residential uses existing as of March 31, 1997.
  - 2. Administrative, educational and other related facilities in conjunction with a use permitted outright.
  - 3. Library.
  - 4. Recreational path.
  - 5. Post office.
  - 6. Church in building or buildings not exceeding 5,000 square feet of floor area.
  - 7. A building or buildings each not exceeding 8,000 square feet of floor space housing any combination of:
    - Retail/rental store, office and service establishment, including but not limited to the following:
      - a. Automobile, motorcycle, boat, recreational vehicle, trailer or truck sales, rental, repair or maintenance business, including tire stores and parts stores.
      - b. Agricultural equipment and supplies.
      - c. Car wash.
      - d. Contractor's office, including but not limited to, building, electrical, plumbing, heating and air conditioning, painter, etc..
      - e. Construction equipment sales, rental and/or service.
      - f. Exterminator services.
      - g. Golf cart sales and service.
      - h. Lumber yard, home improvement or building materials store.

- i. Housekeeping and janitorial service.
  - j. Dry cleaner and/or self-service laundry facility.
  - k. Marine/boat sales and service.
  - l. Restaurant, bar and cocktail lounge including entertainment.
  - p. ~~Medical marijuana dispensary subject to DCC 18.116.320, Medical Marijuana Dispensary.~~  
Marijuana processing cannabinoid concentrates and cannabinoid products not including processing of cannabinoid extracts subject to the provisions of DCC 18.116.330.
  - q. Marijuana wholesaling, office only with no storage of marijuana items, subject to the provisions of DCC 18.116.330.
8. A building or buildings each not exceeding 20,000 square feet of floor space housing any combination of:
- a. Scientific research or experimental development of materials, methods or products, including engineering and laboratory research.
  - b. Light manufacturing, assembly, fabricating or packaging of products from previously prepared materials, including but not limited to cloth, paper, leather, precious or semi-precious metals or stones, etc.
  - c. Manufacture of food products, pharmaceuticals and the like, but not including the production of fish or meat products, or the rendering of fats and oils.
  - d. Warehouse and distribution uses in a building or buildings each less than 10,000 square feet of floor area.
- B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit:
- 1. Public buildings and public utility structures and yards, including railroad yards.
  - 2. A dwelling unit for a caretaker or watchman working on a developed property.
  - 3. Law enforcement detention facility.
  - 4. Parking lot.
  - 5. Radio and television broadcast facilities.
  - 6. A building or buildings each not exceeding 8,000 square feet of floor space housing any combination of:
    - a. Bowling alley.
    - b. Theater.
    - c. Veterinary clinic and/or kennel.
    - d. Marijuana processing of cannabinoid extracts subject to the provisions of DCC 18.116.330.
    - e. Marijuana retailing subject to the provisions of DCC 18.116.330.
  - 7. A building or buildings each not exceeding 20,000 square feet of floor space housing any combination of:
    - a. Warehouses and distribution uses in a building or buildings exceeding 10,000 square feet of floor area.
    - b. Distillery and beer/ale brewing facility, including wholesale sales thereof.
    - c. Self/mini storage.
    - d. Trucking company dispatch/terminal.
    - e. Solid waste/garbage operator, not including solid waste disposal or other forms of solid waste storage or transfer station.
- C. Use Limits. The following limitations and standards shall apply to uses listed in DCC 18.108.110(A) or (B):
- 1. A use expected to generate more than 30 truck-trailer or other heavy equipment trips per day to and from the subject property shall not be permitted to locate on a lot adjacent to or across the street from a lot in a residential district.
  - 2. Storage, loading and parking areas shall be screened from residential zones.

3. No use requiring air contaminant discharge permits shall be approved by the Planning Director or Hearings Body prior to review by the applicable state or federal permit reviewing authority, nor shall such uses be permitted adjacent to or across the street from a residential lot.

D. Special Requirements for Large Scale Uses.

Any of the uses listed in DCC 18.108.110(A)(6) or (B)(6) may be allowed in a building or buildings each exceeding 8,000 square feet of floor space if the Planning Director or Hearings Body finds:

1. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the needs of the people passing through the area. For the purposes of DCC 18.108.110, the surrounding rural area shall be that area identified as all property within five miles of the boundary of the Sunriver Urban Unincorporated Community;
2. The use will primarily employ a work force from the community and surrounding rural area; and
3. That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space.

E. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 45 feet in height.

F. Lot Requirements. The following lot requirements shall be observed:

1. Lot Area. No requirements.
2. Lot Width. No requirements.
3. Lot Depth. Each lot shall have a minimum depth of 100 feet.
4. Front Yard. The front yard shall be a minimum of 25 feet.
5. Side Yard. No side yard required, except when adjoining a lot in an RS or RM District and then the required side yard shall be 50 feet. No side yards are required on the side of a building adjoining a railroad right of way.
6. Rear Yard. No rear yard required, except when adjoining a lot in an RS or RM District and then the rear yard shall be 50 feet. No rear yard is required on the side of a building adjoining a railroad right of way.
7. Lot Coverage. The maximum lot coverage by buildings and structures shall be 50 percent of the total lot area.

| (Ord. 2015-0022 §13, 2015; Ord. 2015-004 §9; 2015; Ord. 2012-002 §1, 2012; Ord. 97-078 §2, 1997)

“\*\*\*\*\*” Denotes portions of this Section not amended by Ordinance 2015-022.

## Chapter 18.116. SUPPLEMENTARY PROVISIONS

\*\*\*\*

### 18.116.280. Home Occupations.

\*\*\*\*

F. Prohibited Uses: The following uses shall be prohibited as a home occupation:

1. Marijuana production;
4. Marijuana processing;
5. Marijuana wholesaling; and
6. Marijuana retailing.

(Ord. 2015-022 §14, 2015; Ord 2007-021 §1, 2007; Ord 2004-002 §24, 2004)

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### ~~Section 18.116.320. Medical Marijuana Dispensary~~

~~Medical marijuana dispensaries shall meet the following requirements:~~

- ~~A. The location is subject to the Oregon Medical Marijuana Act under ORS Chapter 475.~~
- ~~B. The hours of operation shall not exceed 10:00am to 7:00pm.~~
- ~~C. The dispensary is registered with the Oregon Health Authority under the state of Oregon's medical marijuana facility registration system under ORS 475.300-475.346, and meeting the requirements of OAR Chapter 333 Division 8 Medical Marijuana Facilities.~~
- ~~D. The dispensary must be registered with the Oregon Health Authority under ORS 475.314 and comply with all OHA rules.~~
- ~~E. The addition or conversion of the dispensary to recreational use marijuana sales and distribution is a change of the use and subject to County land use review and approval for alteration of the medical marijuana dispensary use.~~

(Ord. 2015-022 §14, 2015; Ord. 2015-004 §10, 2015)

### 18.116.330. Marijuana Production, Processing, Retailing, and Wholesaling

#### Purpose

The purpose of DCC 18.116.330 is to establish reasonable time, place and manner regulations for recreational and medical marijuana production, processing, retailing and wholesaling.

- A. Marijuana production and marijuana processing. Marijuana production and marijuana processing shall be subject to the following standards and criteria:
  1. Minimum Yard Depth. No land area or structure used for marijuana production or marijuana processing shall be located closer than 200 feet from any lot line.
  2. Additional Setback. No land area or structures used for marijuana production or marijuana processing shall be located closer than 300 feet from an existing dwelling unit not located on the same property as marijuana production or marijuana processing use.

3. Access. 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. 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.
4. Odor. A building, including greenhouses, used for marijuana production or marijuana processing shall be equipped with a carbon filtration system for odor control.
  - a. The system shall consist of one or more fans and filters.
  - b. The fan(s) shall be sized for cubic feet per minute (CFM) and the filter(s) shall be rated for the required CFM.
  - c. The filtration system shall be maintained in working order and shall be in use.
  - d. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
  - e. Negative air pressure shall be maintained inside the building.
  - f. 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.
5. Lighting. Lighting shall be regulated as follows:
  - a. Light cast by light fixtures inside any building, including greenhouses, used for marijuana production or marijuana processing, shall be screened or shielded from view outside the building to the maximum extent possible from sunset to sunrise the following day.
  - b. Outdoor marijuana grow lights shall not be illuminated from sunset to sunrise the following day.
  - c. Light cast by exterior light fixtures shall comply with the outdoor lighting standards of DCC 15.10.
6. Security Cameras. 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 for the Oregon Health Authority (OHA).
7. Secure Disposal. Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the licensee.
8. Screening. Medical marijuana production buildings, including greenhouses, and operations lawfully established prior to the adoption of this ordinance shall be screened in the following manner:
  - 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.
  - b. Vegetation shall be continuously maintained.
  - c. Combination of existing vegetation, berming, topography, wall, fence, or other can be used.
  - 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.
9. Water. The applicant shall submit proof from the watermaster that the proposed water supply complies with all applicable local, state, and federal laws.
10. Minimum Separation Distances. Minimum separation distances shall apply as follows:
  - a. The use shall be located a minimum of 1000 feet from:

- i. A public elementary or secondary school for which attendance is compulsory under Oregon Revised Statutes 339.020, including any parking lot appurtenant thereto and any property used by the school;
    - ii. A private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), including any parking lot appurtenant thereto and any property used by the school;
    - iii. A licensed child care center or licensed preschool, including any parking lot appurtenant thereto and any property used by the child care center or preschool;
    - iv. A youth activity center; and
    - v. A park.
  - b. For purposes of Subsection 18.116.330(A)(10), 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 or marijuana processor.
  - c. A change in use (including a zone change) to another property to a use identified in Subsection 18.116.330(A)(10), after a marijuana producer or processor has been licensed by or registered with the State of Oregon shall not result in the marijuana producer or marijuana processor being in violation of Subsection 18.116.330(A)(10).
11. Fire protection for processing of cannabinoid extracts. Processing of cannabinoid extracts shall only be permitted on properties located within the boundaries of a fire protection district.
12. Nonconformance. All marijuana production and processing operations lawfully established prior to the effective date of the requirements codified in this ordinance are exempt from all such regulations until December 31, 2016, at which time the use and buildings, including greenhouses, shall comply with the provisions of DCC 18.116.330A(4) through A(8).
- B. Marijuana retailing. Marijuana retailing, including recreational and medical marijuana sales, shall be subject to the following standards and criteria:
- 1. Hours. Operating hours shall be no earlier than 10:00 a.m. or later than 7:00 p.m. on the same day.
  - 2. Window Service. The use shall not have a walk-up window or drive-thru window service.
  - 3. Secure Disposal. Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the licensee.
  - 4. Co-Location of Related Activities and Uses. Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the marijuana retailer. In addition, marijuana retailing 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.
  - 5. Minimum Separation Distances. Minimum separation distances shall apply as follows:
    - a. The use shall be located a minimum of:
      - i. A public elementary or secondary school for which attendance is compulsory under Oregon Revised Statutes 339.020, including any parking lot appurtenant thereto and any property used by the school;
      - ii. A private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), including any parking lot appurtenant thereto and any property used by the school;
      - iii. A licensed child care center or licensed preschool, including any parking lot appurtenant thereto and any property used by the child care center or preschool;
      - iv. A youth activity center;
      - v. A park; and
      - vi. 1000 feet from any other marijuana retail facility licensed the Oregon Liquor Control Commission (OLCC) or registered with the Oregon Health Authority (OHA).
    - b. For purposes of Subsection 18.116.330(B)(7), 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 or marijuana processor, by the marijuana retailer.

c. A change in use (including a zone change) to another property to a use identified in Subsection 18.116.330(B)(7), after a marijuana retailer has been licensed by or registered with the State of Oregon shall not result in the marijuana retailer being in violation of Subsection 18.116.330(B)(7).

d. A marijuana retailer that falls under Subsection 18.116.330(B)(7), may relocate to another location in the same building.

(Ord. 2015-022 §14, 2015)

“\*\*\*\*” Denotes portions of this Section not amended by Ordinance 2015-024.

**19.04.020. Purpose.**

- A. DCC Title 19 has been designed in accordance with the goals, policies and statements of intent of the Bend Area General Plan, the officially enacted comprehensive plan for the City of Bend and its environs. It is the general purpose of DCC Title 19, therefore, to provide one of the principal means for implementation of the Bend Area General Plan.
- B. DCC Title 19 is designed to classify, designate and regulate the location and use of buildings, structures and land for residential, commercial, industrial or other uses in appropriate places and for said purposes; to divide the Bend Urban Area into districts of such number, shape and area as may be deemed best suited to carry out these regulations and provide for their enforcement; to encourage the most appropriate use of lands; to conserve and stabilize the value of natural resources; to provide adequate open spaces for light and air and prevention of fire; to prevent undue concentrations of population; to lessen congestion of streets; to facilitate adequate provisions for community utilities, such as transportation, water, sewerage, schools, parks and other public requirements; and to promote the public health, safety and general welfare.
- C. To regulate placement, height and bulk of buildings, and the placement and growth of vegetation within the County to insure access to solar energy by reasonably regulating interests in property within the County, as authorized under ORS 215.044 and ORS 105.880 through 105.890; to promote and maximize the conservation of energy by preserving the option to utilize solar energy and to implement the Comprehensive Plan policies relating to solar energy.
- D. To encourage the design of new buildings, structures and developments which use solar energy and protect future options to use solar energy by protecting solar access.
- E. Marijuana processing, production, retailing, and wholesaling are prohibited on properties subject to the provisions of Title 19.

(Ord. 2015-0\_\_ ; Ord. 83-041 §1, 1983)

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**19.04.040. Definitions.**

\*\*\*\*

“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.

\*\*\*\*

“Marijuana” means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae, and the seeds of the plant Cannabis family Cannabaceae. Marijuana does not include industrial hemp as defined in Oregon Revised Statutes 571.300.

“Marijuana items” means marijuana, cannabinoid products, cannabinoid concentrates, and cannabinoid extracts.

“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.”

“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.”

“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.

“Person designated to produce marijuana by a registry identification cardholder” means person designated to produce marijuana by a registry identification cardholder under Oregon Revised Statutes 475.304 who produces marijuana for a registry identification cardholder at an address other than the address where the registry identification cardholder resides or at an address where more than 12 mature marijuana plants are produced.

(Ord. 2015-0\_\_\_\_; Ord. 2014-016 §1, 2014; Ord. 2013-013 §1; Ord. 99-001 §§2-4, 1999; Ord. 97-038 §1, 1997; Ord. 97-017 §1, 1996; Ord. 96-071 §1D, 1996; Ord. 95-045 §15, 1995; Ord. 94 027 §§1 & 2, 1994;

Ord. 92-043 §1, 1992; Ord. 91 029 §§1, 8, 9 and 10, 1991; Ord. 91-001 §1, 1991; Ord. 90-038 §1, 1990; Ord. 90-007 §1, 1990; Ord. 88-042 §3, 1988; Ord. 86-058 §1, 1986; Ord. 86-055 §1, 1986; Ord. 86-033 §1, 1983; Ord. 86-032 §1, 1986; Ord. 86-017 §1 Exhibit a, 1986; Ord. 830945 §1, 1983; Ord. 83-041 §2, 1983; Ord. 80-217 §1 Exhibit A, 1980)

“\*\*\*\*\*” Denotes portions of this Section not amended by Ordinance 2015-025.

#### 20.04.030. Purpose.

DCC Title 20 is adopted for the purpose of promoting the health, safety, peace, comfort, convenience, economic well-being and general welfare of the Redmond Urban Area and not limited to, but specifically to achieve the following designated objectives.

- A. To protect the present and existing character and values of land and buildings in the UH-10 zone until such land is ready to be developed for urban uses and is annexed into the City:
  - 1. Preventing the intrusion of inharmonious uses or uses that may impede the conversion of land to urban use.
  - 2. Preventing the encroachment on desirable open space and natural features.
  - 3. Providing and planning for the safe and efficient movement of existing and future traffic.
  - 4. Assuring the planning for and provision of necessary public facilities prior to conversion to urban uses.
- B. To provide for additional growth and development in a manner appropriate to the character of the Redmond Urban Area and which will contribute to the economic stability of said area and strengthen the basis of its private and governmental economy.
- C. To assure that future development occurs in an orderly manner to provide for economy and efficiency in public services and utilities and to protect the public from costs which may be incurred when unsuitable, scattered or premature development occurs.
- D. To minimize traffic hazards, traffic congestion and the conflict between land uses and the movement of traffic.
- E. To regulate the placement, height and bulk of buildings.
- F. Marijuana processing, production, retailing, and wholesaling are prohibited on properties subject to the provisions of Title 20.

(Ord. 2015-0 :Ord. 2006-019 §2, 2006; Ord. 2001-016 §2, 2001; Ord. 94-013 §1, 1994; Ord. 83-040 §1, 1983; Ord. 80-201, 1980)

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#### 20.04.050. Definitions.

\*\*\*\*

“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.

\*\*\*\*

“Marijuana” means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae, and the seeds of the plant Cannabis family Cannabaceae. Marijuana does not include industrial hemp as defined in Oregon Revised Statutes 571.300.

“Marijuana items” means marijuana, cannabinoid products, cannabinoid concentrates, and cannabinoid extracts.

“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.”

“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.”

“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.

“Person designated to produce marijuana by a registry identification cardholder” means person designated to produce marijuana by a registry identification cardholder under Oregon Revised Statutes 475.304 who produces marijuana for a registry identification cardholder at an address other than the address where the registry identification cardholder resides or at an address where more than 12 mature marijuana plants are produced.

(Ord. 2015-0 \_\_\_\_; Ord. 2006-019 §2, 2006; Ord. 2001-016 §2, 2001; Ord. 94-013 §1, 1994; Ord. 83-040 §2, 1983; Ord. 81-007 §1, 1981; Ord. 80-201, 1980)

“\*\*\*\*” Denotes portions of this Section not amended by Ordinance 2015-026.

#### **21.04.020. Purpose.**

- A. DCC Title 21 has been designed to be consistent with the goals, policies, programs, elements, and statements of intent of the Sisters Urban Area Comprehensive Plan, the officially adopted comprehensive plan for the City of Sisters and its surrounding urbanizing area. The general purpose of DCC Title 21 is to provide for one principal means for implementation of the Sisters Urban Area Comprehensive Plan.
- B. DCC Title 21 is designed to classify, designate and regulate the use of land within the Sisters Urban Area Growth Boundary outside the City of Sisters City Limits. To achieve this purpose, DCC Title 21 divides the Sisters Unincorporated Urban Area into appropriate zoning districts as set forth in the policies and elements of the Sisters Urban Area Comprehensive Plan.
- C. The further purpose of DCC Title 21 policies and elements of the Sisters Area Comprehensive Plan, is to encourage the most appropriate use of land; to conserve and preserve natural resources and the quality that is unique to Sisters, including open space for light, air, fire prevention, and for sanitary purposes; to prevent undue or uncharacteristic concentrations of population; to lessen congestion of streets; to facilitate adequate provisions for community utilities such as transportation, water, sewage, schools, parks other public requirements; to promote the public health, safety, general welfare and to protect and enhance the visual quality of the Sisters area.
- D. Marijuana processing, production, retailing, and wholesaling are prohibited on properties subject to the provisions of Title 21.  
(Ord. 2015-0\_\_ ; Ord. 2004-004 §2, 2004; Ord. PL-17 §2, 1979)

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#### **21.04.040. Definitions.**

\*\*\*\*

“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.

\*\*\*\*

“Marijuana” means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae, and the seeds of the plant Cannabis family Cannabaceae. Marijuana does not include industrial hemp as defined in Oregon Revised Statutes 571.300.

“Marijuana items” means marijuana, cannabinoid products, cannabinoid concentrates, and cannabinoid extracts.

“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.”

“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.”

“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.

“Person designated to produce marijuana by a registry identification cardholder” means person designated to produce marijuana by a registry identification cardholder under Oregon Revised Statutes 475.304 who produces marijuana for a registry identification cardholder at an address other than the address where the registry identification cardholder resides or at an address where more than 12 mature marijuana plants are produced.

(Ord. 2015-026, §1, 2015; Ord. 2004-004, §2, 2004; Ord. 97-048 §1, 1997; Ord. 88-038 §1, 1988; Ord. 80-225 §1, 1980; Ord. PL-17 §4(1)-(108), 1979)

**PLANNING COMMISSION RECOMMENDATIONS**

**SUMMARY OF ZONES PERMITTING MARIJUANA RELATED BUSINESSES**

(This table identifies the zones where marijuana related businesses are recommended to be allowed.)

| Zone   | Processing         | Production         | Retail | Wholesale | Comments |   |
|--|--------------------|--------------------|--------|-----------|----------|---|
| Permitted: P    Conditional Use: CU    Not Allowed: -  |                    |                    |        |           |          |   |
|  | Excluding Extracts | Including Extracts |        |           |          |   |
| TITLE 18 – Deschutes County  |                    |                    |        |           |          |   |
| 18.16 Exclusive Farm Use – EFU   | P                  | P                  | P      | -         | -        | Recommendation is to require 20-acre minimum parcel size  |
|  |                    |                    |        |           |          |   |
| 18.65 RURAL SERVICE CENTER – UC  |                    |                    |        |           |          |   |
| 18.65.020 Commercial Mixed Use District (Brothers, Hampton, Millican, Whistlestop, Wildhunt) | -                  | -                  | -      | CU        | P        |   |
| 18.65.021 Commercial Mixed Use (Alfalfa)   | -                  | -                  | -      | CU        | P        |   |
|  |                    |                    |        |           |          |   |
| 18.66 TERREBONNE RURAL COMMUNITY   |                    |                    |        |           |          |   |
| 18.66.040 Commercial – TeC   | CU                 | CU                 | -      | CU        | P        | Recommendation is wholesaling to be office only with <b>no</b> storage of marijuana products allowed. |
| 18.66.050 Commercial Rural – TeCR  | CU                 | CU                 | -      | CU        | P        | Recommendation is wholesaling to be office only with <b>no</b> storage of marijuana products allowed. |
|  |                    |                    |        |           |          |   |
| 18.67 TUMALO RURAL COMMUNITY   |                    |                    |        |           |          |   |
| 18.67.030 Residential 5-acre – TuR5  | -                  | -                  | -      | -         | -        |   |
| 18.67.040 Commercial – TuC   | CU                 | CU                 | -      | CU        | P        | Recommendation is wholesaling to be office only with <b>no</b> storage of marijuana products allowed. |
| 18.67.060 Industrial – Tul   | P                  | CU                 | -      | CU        | -        |   |
|  |                    |                    |        |           |          |   |
| 18.74 RURAL COMMERCIAL   |                    |                    |        |           |          |   |
| 18.74.020 Deschutes Junction and Deschutes River Woods Store                                 | -                  | -                  | -      | CU        |          |   |
| 18.74.025 Spring River   | -                  | -                  | -      | CU        | -        |   |
| 18.74.027 Pine Forest and Rosland  | -                  | -                  | -      | CU        | P        |   |
|  |                    |                    |        |           |          |   |
| 18.100 Rural Industrial  | P/CU               | CU                 | CU     | CU        | -        |   |
|  |                    |                    |        |           |          |   |
| 18.108 SUNRIVER UUC  |                    |                    |        |           |          |   |
| 18.108.050 Commercial - SUC  | -                  | -                  | -      | CU        | P        |   |
| 18.108.055 Town Center - TC  | -                  | -                  | -      | CU        | -        |   |
| 18.108.110 Business Park - SUBP  | P                  | CU                 | -      | CU        | P        |   |
|  |                    |                    |        |           |          |   |
| TITLE 19 - BEND  |                    |                    |        |           |          |   |
| No Marijuana Related Businesses Allowed  |                    |                    |        |           |          |   |
| TITLE 20 - REDMOND   |                    |                    |        |           |          |   |
| No Marijuana Related Businesses Allowed  |                    |                    |        |           |          |   |
| TITLE 21 - SISTERS   |                    |                    |        |           |          |   |
| No Marijuana Related Businesses Allowed  |                    |                    |        |           |          |   |

**PLANNING COMMISSION RECOMMENDATIONS**  
**SUMMARY OF STANDARDS FOR MARIJUANA RELATED BUSINESS**

|  | Marijuana Processing   | Marijuana Production   | Marijuana Retail | Marijuana Wholesaling | Staff Comments / Recommendations  |
|--|--|--|------------------|-----------------------|---|
| <b>Section 18.116.280</b>                      |  |  |                  |                       |   |
| <b>Home Occupation</b>                         | Prohibited   | Prohibited   | Prohibited       | Prohibited            |   |
| <b>Section 18.116.320</b>                      |  |  |                  |                       |   |
| <b>Medical Marijuana Dispensaries (Repeal)</b> |  |  |                  |                       | This section will be repealed and replaced by a combined dispensary/retail standards section.   |
| <b>Section 18.116.330</b>                      |  |  |                  |                       |   |
| <b>Yard Setback</b>                            | 200 feet   | 200 feet   |                  |                       |   |
| <b>Additional Setback</b>                      | 300 feet from an existing dwelling unit not located on the same property   | 300 feet from an existing dwelling unit not located on the same property   |                  |                       |   |
| <b>Access</b>                                  | <ul style="list-style-type: none"> <li>Public road</li> <li>Exclusive road or easement</li> <li>If shared private road or easement, all other property owners who have access rights to the private road or easement must agree</li> </ul>   | <ul style="list-style-type: none"> <li>Public road</li> <li>Exclusive road or easement</li> <li>If shared private road or easement, all other property owners who have access rights to the private road or easement must agree</li> </ul>   |                  |                       |   |
| <b>Odor</b>                                    | Buildings and Greenhouses shall: <ul style="list-style-type: none"> <li>Equipped with carbon Filtration system</li> <li>Consist of 1 or more fans.</li> <li>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.</li> <li>The filter(s) shall be rated for the required CFM.</li> <li>The filtration system shall be maintained in working order and shall be in use.</li> <li>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.</li> </ul> | Buildings and Greenhouses shall: <ul style="list-style-type: none"> <li>Equipped with carbon Filtration system</li> <li>Consist of 1 or more fans.</li> <li>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.</li> <li>The filter(s) shall be rated for the required CFM.</li> <li>The filtration system shall be maintained in working order and shall be in use.</li> <li>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.</li> </ul> |                  |                       | Staff recommends further refinement including: <ul style="list-style-type: none"> <li>Reducing the CFM rate because it is to be excessive and unreasonable.</li> <li>Requiring doors and windows to remain closed excepts as needed for ingress/egress.</li> <li>Negative pressures shall be maintained inside the building.</li> </ul>   |
| <b>Lighting</b>                                | 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"> <li>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.</li> <li>Outdoor marijuana grow lights shall not be illuminated from sunset to sunrise the following day.</li> <li>Light cast by exterior light fixtures shall comply with the outdoor lighting standards of DCC 15.10.</li> </ul>   | 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"> <li>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.</li> <li>Outdoor marijuana grow lights shall not be illuminated from sunset to sunrise the following day.</li> <li>Light cast by exterior light fixtures shall comply with the outdoor lighting standards of DCC 15.10.</li> </ul>   |                  |                       | Keep in the marijuana-related business regulations and reference the applicability of DCC 15.10, Outdoor Lighting Ordinance (“Dark Skies Ordinance”) to greenhouses and transparent buildings.<br><br>Amend, DCC 15.10 to specifically apply to marijuana production and processing in greenhouses and transparent buildings.<br><br>Policy question of whether to apply lighting regulations to existing greenhouses and transparent buildings by Dec. 31, 2016. If yes, please see staff comments in the “Non-conformance” section below pertaining to potential legal issues.<br><br>Consider revising “sunset to sunrise” to “7:00 p.m. to 7:00 a.m. the following day” to make it easier to enforce. |
| <b>Security Cameras</b>                        | Shall be directed to record only the subject property and public rights-of-way.  | Shall be directed to record only the subject property and public rights-of-way.  |                  |                       | In addition to the PC’s recommendation, add a statement “except as required to comply with licensing requirements of OLCC or registration requirements of OHA.”   |



|                              |   |   |  |  |  |
|------------------------------|---|---|--|--|--|
| Secure Disposal              | 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 licensee.   | Store marijuana waste in a secured waste receptacle in the possession of and under the control of the licensee.  |  |  |
| Noise                        | Move to Noise Control Ordinance 8.08, and apply to all marijuana production and processing building and mechanical equipment outside of a commercial or industrial zone.  | Move to Noise Control Ordinance 8.08, and apply to all marijuana production and processing building and mechanical equipment outside of a commercial or industrial zone.  |  |  | Reference the applicability of these noise standards to marijuana-related businesses in the marijuana regulations, and move the regulations to DCC 8.08.   |
| Screening                    | <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 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 vegetation and landscape of the marijuana production and processing area.</p> |  |  | Please see staff comments under “Non-conforming” below comments.   |
| Water                        | Proof from the watermaster that proposed water supply complies all applicable local, state, and federal laws.   | Proof from the watermaster that proposed water supply complies all applicable local, state, and federal laws.   |  |  |  |
| Minimum Separation Distances | <ul style="list-style-type: none"><li>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 &amp; Girls Club) with a 501c3 status or description stating youth activities, excluding in-home child care.</li><li>All distances shall be measured from the lot line of the affected property (e.g., a school) to the closest lot line of the subject property</li><li>Change of use (i.e. new school) shall not cause violation of this standard</li></ul>  | <ul style="list-style-type: none"><li>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 &amp; Girls Club) with a 501c3 status or description stating youth activities, excluding in-home child care.</li><li>All distances shall be measured from the lot line of the affected property (e.g., a school) to the closest lot line of the subject property</li><li>Change of use (i.e. new school) shall not cause violation of this standard</li></ul>  | <ul style="list-style-type: none"><li>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 &amp; Girls Club) with a 501c3 status or description stating youth activities, excluding in-home child care.</li><li>All distances shall be measured from the lot line of the affected property (e.g., a school) to the closest lot line of the subject property</li><li>Change of use (i.e. new school) shall not cause violation of this standard</li></ul> |  | <p>Need to decide:</p> <ul style="list-style-type: none"><li>What qualifies as a youth activity center-501c3 status with title or description stating youth activities?</li><li>How to obtain information on such activity centers during application review process?</li><li>What happens if something is missed in the application review process? Could be challenging to include all such centers. Staff recommends this be clear and objective if it is included in the requirements.</li></ul> |
| Fire Protection              |   | Marijuana processing of cannabinoid extracts shall only be permitted on properties located within a fire district.  |  |  |  |

|  |   |   |   |  |   |
|--|---|---|---|--|---|
| <b>Nonconformance:</b><br><br><b>Applying to lawfully established medical marijuana grows that continue to by only medical marijuana grows</b> | 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.  |   |  | <p>Existing, lawfully established (by OHA and County building, electrical, mechanical, etc. permits) medical marijuana production/grow sites should be clearly established in DCC as “legal, non-conforming” buildings and land uses.</p> <p>Legal and operational questions, however, exist about whether these standards can be applied retroactively to current medical marijuana production/grow sites. <b>NOTE:</b> Processing requires a land use permit under DCC, and no permits have been applied for or approved.</p> <p><b><u>QUESTIONS / ISSUES</u></b></p> <p>Is it legal to apply these standards to lawfully established pre-existing medical marijuana production/grow sites?</p> <p>Operationally, the County’s imposing new requirements on pre-existing medical marijuana production/grow sites raises the following issues:</p> <ol style="list-style-type: none"><li>1. The County does not have a list of properties already approved by OHA for medical marijuana production/growing. Therefore, identifying locations, the number of registered and active productions/grows, etc. is unknown, and obtaining this information is legally challenging and may not be possible beyond responding to code enforcement complaints.</li><li>2. Imposing these regulations require active code enforcement rather than complaint-drive code enforcement, resulting in a change in the program.</li><li>3. Given the potential large number of properties and expected legal and compliance challenges, additional code enforcement, administrative, and legal resources (i.e., financial, limited duration staff) would be required for implementation.</li></ol> <p><b>NOTE:</b> The County applied the Outdoor Lighting Ordinance (DCC 15.10) to all properties in the County and provided several years to comply. Staff is aware of imposing lighting and signage requirements retroactively with time to comply, but not other requirements.</p> |
| <b>Hours</b>   |   |   | 10:00 a.m. - 7:00 p.m.  |  |   |
| <b>Window Service</b>  |   |   | Shall not have a walk-up window or drive-thru window service.   |  |   |
| <b>Co-Location</b>   |   |   | 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.   |  |   |
| <b>Limit the Number of licenses a parcel</b>   |   | 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.  |   |  | Staff is researching this issue. If the Board supports this recommendation, staff will draft text to include it in the marijuana regulations.   |
| <b>Require inspections in 1-2 years to determine compliance</b>  | 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. Require property owner to grant County access to conduct the inspection. | 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. Require property owner to grant County access to conduct the inspection. | 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. Require property owner to grant County access to conduct the inspection. |  | Most of the staff comments under “Nonconformance” above apply to this requirement. Specifically, the resource requirements and pro-active code enforcement comments apply. In addition, staff cannot trespass. Therefore, if the Board supports this recommendation, the same requirement in the Agri-tourism and Other Commercial Events and Activities requiring the property owner to grant access should be required for marijuana production and processing permits.   |
| <b>Task Force</b>  | Create a stakeholder task force to monitor the program and regulations, make recommendations for improvements   | Create a stakeholder task force to monitor the program and regulations, make recommendations for improvements   | Create a stakeholder task force to monitor the program and regulations, make recommendations for improvements   |  | If the Board supports establishing and staffing a task force, the options are: <ol style="list-style-type: none"><li>1. Add to a future CDD Planning Division Work Plan;</li><li>2. Re-evaluate and re-prioritize the current Work Plan to create capacity for this project; or</li><li>3. Hire additional staff to establish and staff the Task Force immediately.</li></ol>   |