

EXHIBIT C
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 no storage of marijuana products allowed.
18.66.050 Commercial Rural – TeCR	CU	CU	-	CU	P	Recommendation is wholesaling to be office only with no 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 no 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
Section 18.116.280					
Home Occupation	Prohibited	Prohibited	Prohibited	Prohibited	
Section 18.116.320					
Medical Marijuana Dispensaries (Repeal)					This section will be repealed and replaced by a combined dispensary/retail standards section.
Section 18.116.330					
Yard Setback	200 feet	200 feet			
Additional Setback	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			
Access	<ul style="list-style-type: none">Public roadExclusive road or easementIf shared private road or easement, all other property owners who have access rights to the private road or easement must agree	<ul style="list-style-type: none">Public roadExclusive road or easementIf shared private road or easement, all other property owners who have access rights to the private road or easement must agree			
Odor	Buildings and Greenhouses shall: <ul style="list-style-type: none">Equipped with carbon Filtration systemConsist of 1 or more fans.The fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three.The filter(s) shall be rated for the required CFM.The filtration system shall be maintained in working order and shall be in use.An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the carbon filtration system otherwise required.	Buildings and Greenhouses shall: <ul style="list-style-type: none">Equipped with carbon Filtration systemConsist of 1 or more fans.The fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three.The filter(s) shall be rated for the required CFM.The filtration system shall be maintained in working order and shall be in use.An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the carbon filtration system otherwise required.			Staff recommends further refinement including: <ul style="list-style-type: none">Reducing the CFM rate because it is to be excessive and unreasonable.Requiring doors and windows to remain closed excepts as needed for ingress/egress.Negative pressures shall be maintained inside the building.
Lighting	General consensus to mitigate light and preserve dark skies, but no consensus on to what extent or method (i.e., require shielding or obscuring roof/walls of greenhouses). <ul style="list-style-type: none">Light cast by light fixtures inside any building, including greenhouses, shall be screened or shielded from view outside the building to the maximum extent possible from sunset to sunrise the following day.Outdoor marijuana grow lights shall not be illuminated from sunset to sunrise the following day.Light cast by exterior light fixtures shall comply with the outdoor lighting standards of DCC 15.10.	General consensus to mitigate light and preserve dark skies, but no consensus on to what extent or method (i.e., require shielding or obscuring roof/walls of greenhouses). <ul style="list-style-type: none">Light cast by light fixtures inside any building, including greenhouses, shall be screened or shielded from view outside the building to the maximum extent possible from sunset to sunrise the following day.Outdoor marijuana grow lights shall not be illuminated from sunset to sunrise the following day.Light cast by exterior light fixtures shall comply with the outdoor lighting standards of DCC 15.10.			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. Amend, DCC 15.10 to specifically apply to marijuana production and processing in greenhouses and transparent buildings. 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. Consider revising “sunset to sunrise” to “7:00 p.m. to 7:00 a.m. the following day” to make it easier to enforce.

Security Cameras	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"> 1000 from public/private elementary and secondary schools, licenses child care center, licensed preschool, parks, and all approved/licensed youth activity centers (i.e., Boys & Girls Club) with a 501c3 status or description stating youth activities, excluding in-home child care. 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 Change of use (i.e. new school) shall not cause violation of this standard 	<ul style="list-style-type: none"> 1000 from public/private elementary and secondary schools, licenses child care center, licensed preschool, parks, and all approved/licensed youth activity centers (i.e., Boys & Girls Club) with a 501c3 status or description stating youth activities, excluding in-home child care. 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 Change of use (i.e. new school) shall not cause violation of this standard 	<ul style="list-style-type: none"> 1000 from public/private elementary and secondary schools, licenses child care center, licensed preschool, parks, and all approved/licensed youth activity centers (i.e., Boys & Girls Club) with a 501c3 status or description stating youth activities, excluding in-home child care. 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 Change of use (i.e. new school) 		<p>Need to decide:</p> <ul style="list-style-type: none"> What qualifies as a youth activity center-501c3 status with title or description stating youth activities? How to obtain information on such activity centers during application review process? 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.

			shall not cause violation of this standard		
Fire Protection	Marijuana processing of cannabinoid extracts shall only be permitted on properties located within a fire district.				
Nonconformance: Applying to lawfully established medical marijuana grows that continue to by only medical marijuana grows	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. NOTE: Processing requires a land use permit under DCC, and no permits have been applied for or approved.</p> <p>QUESTIONS / ISSUES</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">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.2. Imposing these regulations require active code enforcement rather than complaint-drive code enforcement, resulting in a change in the program.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. <p>NOTE: 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>
Hours			10:00 a.m. - 7:00 p.m.		
Window Service			Shall not have a walk-up window or drive-thru window service.		
Co-Location			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.		
Limit the Number of licenses a parcel		Consider limiting the number of OLCC production licenses of one type on a parcel to 1 indoor and 1 outdoor license per 10 or 20 acres.			Staff is researching this issue. If the Board supports this recommendation, staff will draft text to include it in the marijuana regulations.
Require inspections in 1-2 years to determine compliance	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		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

			conduct the inspection.		and Activities requiring the property owner to grant access should be required for marijuana production and processing permits.
Task Force	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: <div><div>1.</div><div>Add to a future CDD Planning Division Work Plan;</div></div> <div><div>2.</div><div>Re-evaluate and re-prioritize the current Work Plan to create capacity for this project; or</div></div> <div><div>3.</div><div>Hire additional staff to establish and staff the Task Force immediately.</div></div>