Deschutes County Board of County Commissioners

> May 4, 2016 Deliberations

Marijuana Land Use Regulations & Ordinance 2015-009



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

MEDICAL

- DISPENSARY
- **GROW SITES (PRODUCTION)** RETAIL
- PROCESSING

RECREATIONAL

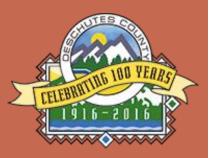
- WHOLESALE
- - PRODUCTION
 - PROCESSING

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

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

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

PRODUCTION



PRODUCTION SPECIFIC USE STANDARDS

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

PRODUCTION SPECIFIC USE STANDARDS

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

ORDINANCE 2015-009

Refer Recreational Marijuana Production to November 2016 General Election

<u>OR</u>

Rescind Ordinance 2015-009 for Recreational Marijuana Production

PRODUCTION ZONES

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

PROCESSING



PROCESSING SPECIFIC USE STANDARDS

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

PROCESSING SPECIFIC USE STANDARDS

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

ORDINANCE 2015-009

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

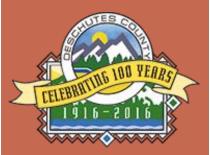
<u>OR</u>

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

PROCESSING ZONES

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

RETAIL / DISPENSARY



RETAIL / DISPENSARY SPECIFIC USE STANDARDS

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

ORDINANCE 2015-009

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

<u>OR</u>

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

RETAIL / DISPENSARY SPECIFIC USE STANDARDS

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

WHOLESALE



WHOLESALE SPECIFIC USE STANDARDS

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

ORDINANCE 2015-009

Refer Marijuana Wholesale to November 2016 General Election

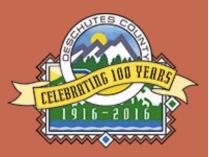
<u>OR</u>

Rescind Ordinance 2015-009 for Marijuana Wholesale

WHOLESALE SPECIFIC USE STANDARDS

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

DEFINITIONS



DEFINITIONS

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

NEXT STEPS

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