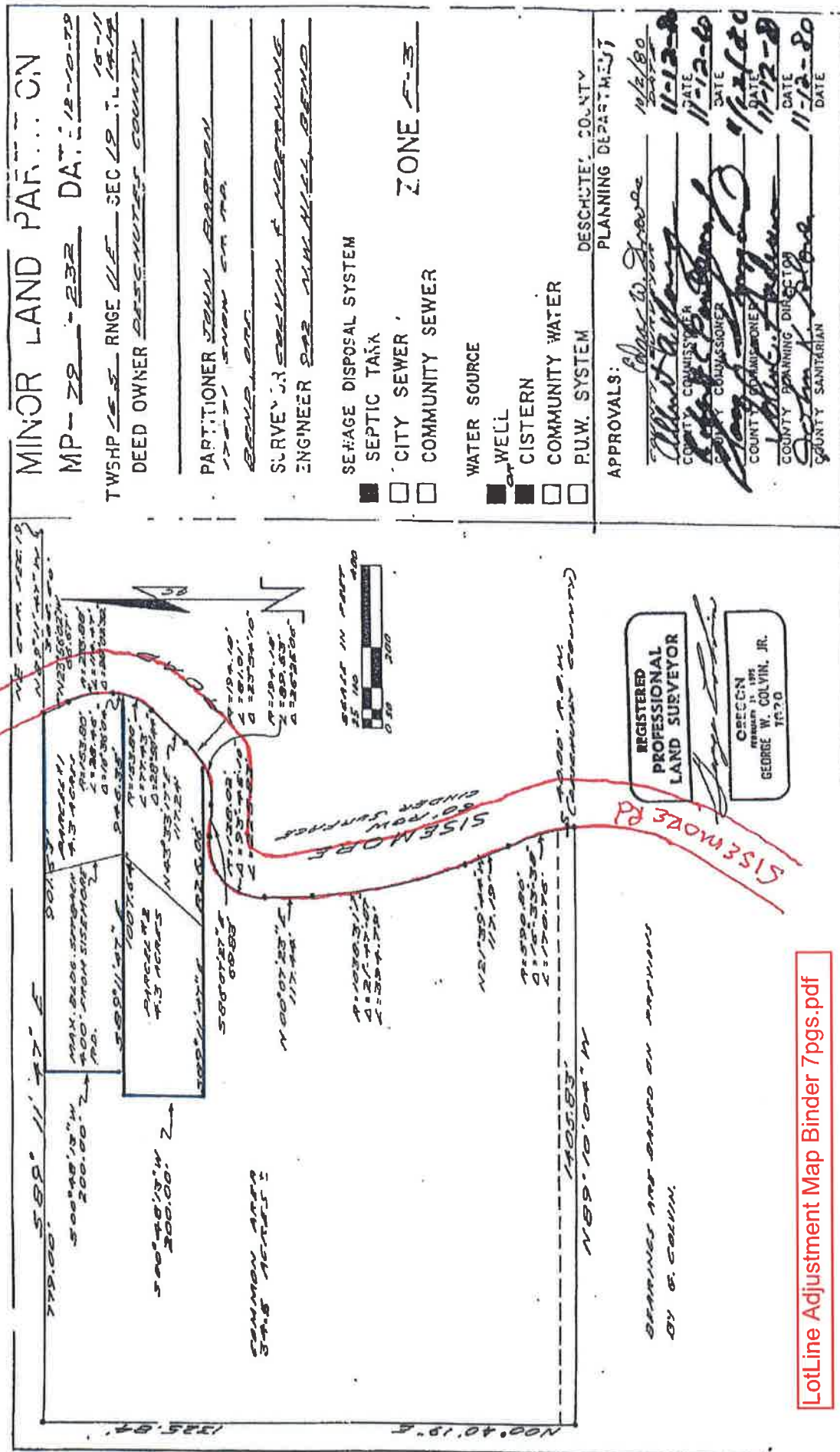


Defect of cluster development CU-80-22:
Parcels were 200' wide in Forest Zone which required 100' side yard setbacks.
Unable to create any building envelopes.
Special consideration:
400' Maximum Building Line on both parcels.
30% grade on TL#200.

It took developer over nine months and four attempts to comply with ODFW requirements to divide the original 43-acre parcel into two 4.3-acre building lots with balance of land in joint ownership.





Buildable a.k.a. Building Envelope

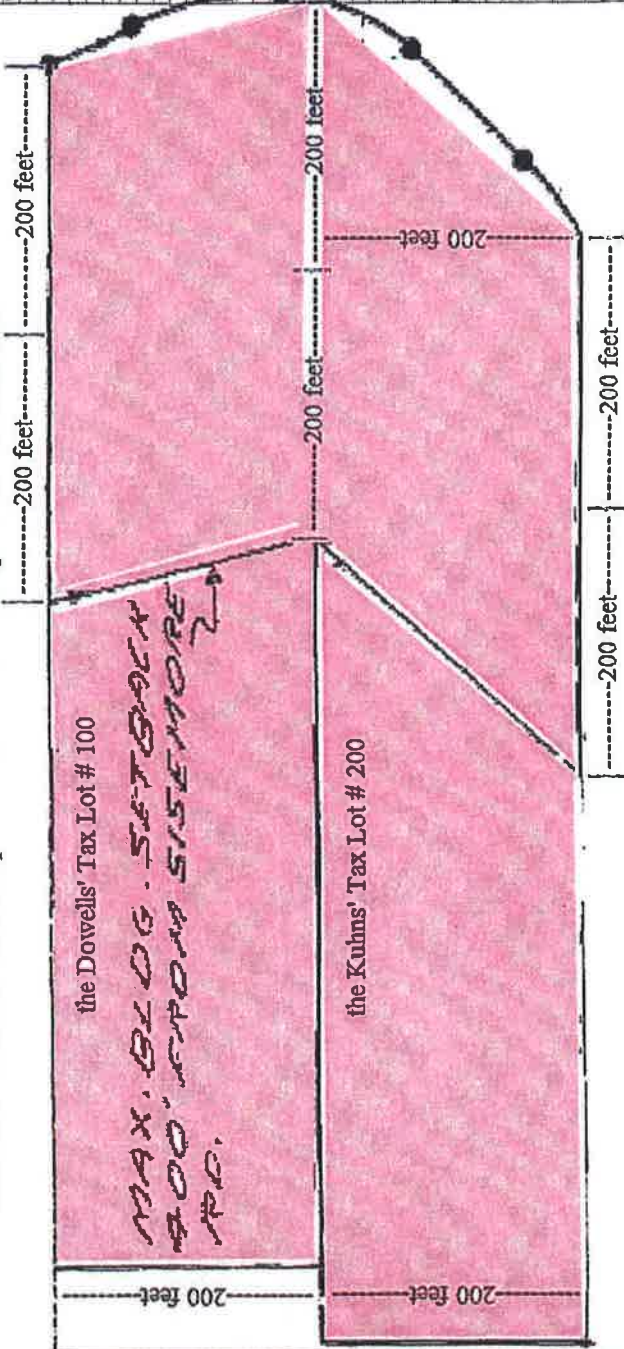


NON-BUILDABLE Forest Zone 100' minimum Side Yard Setback

Final Partition Plat Map Blowup of MP-79-232 aka PP-2004-80 #3 after Clear.jpg

After clear Lines are touched up

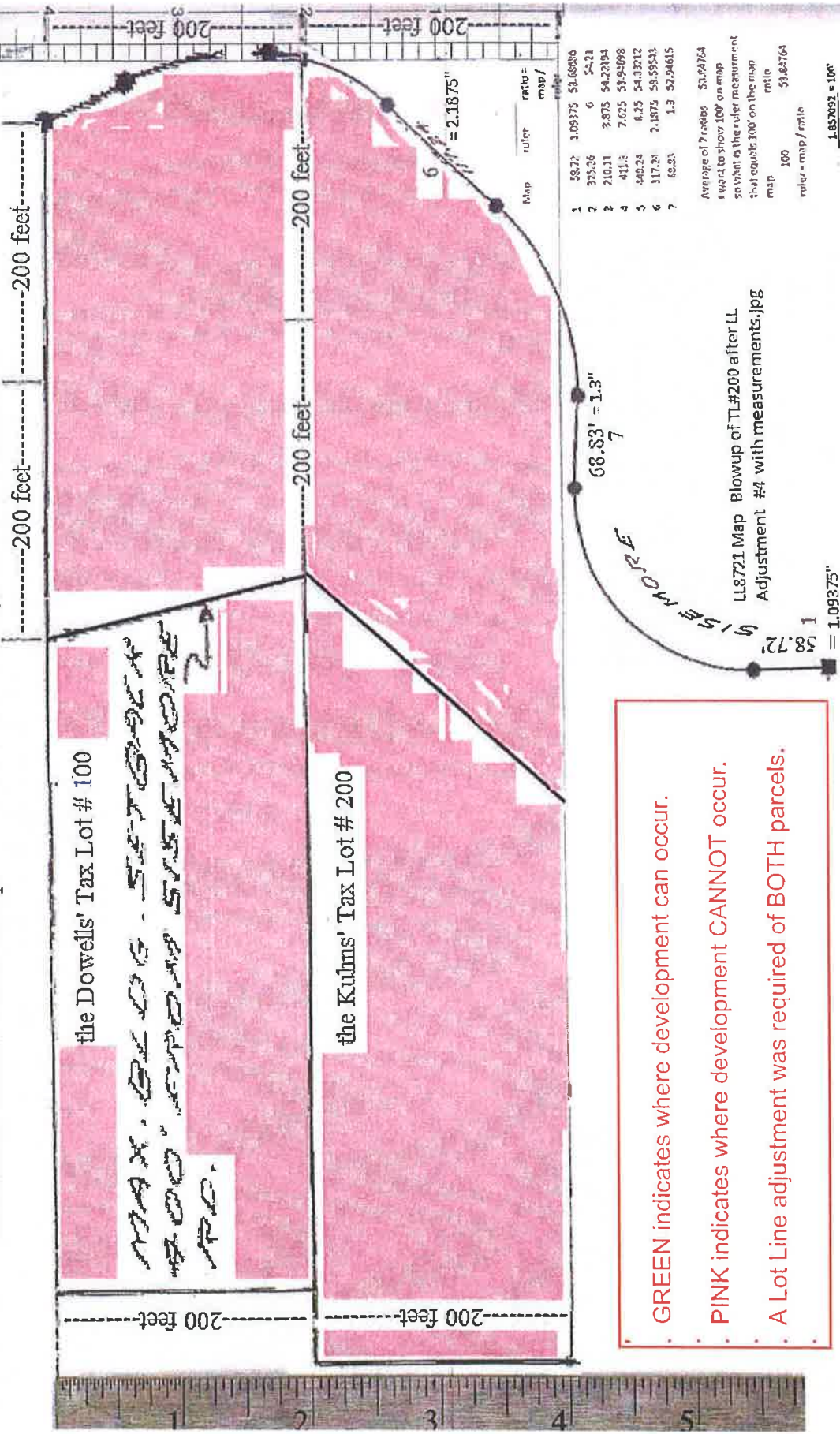
How wide are the parcels? 200 feet wide



MD-1500930 Ex# 5a B# 3

After clear Lines are touched up

How wide are the parcels? 200 feet wide



Final Partition Plat Map Blowup of MP-79-232 aka PP-2004-80 #3 after Clear.jpg

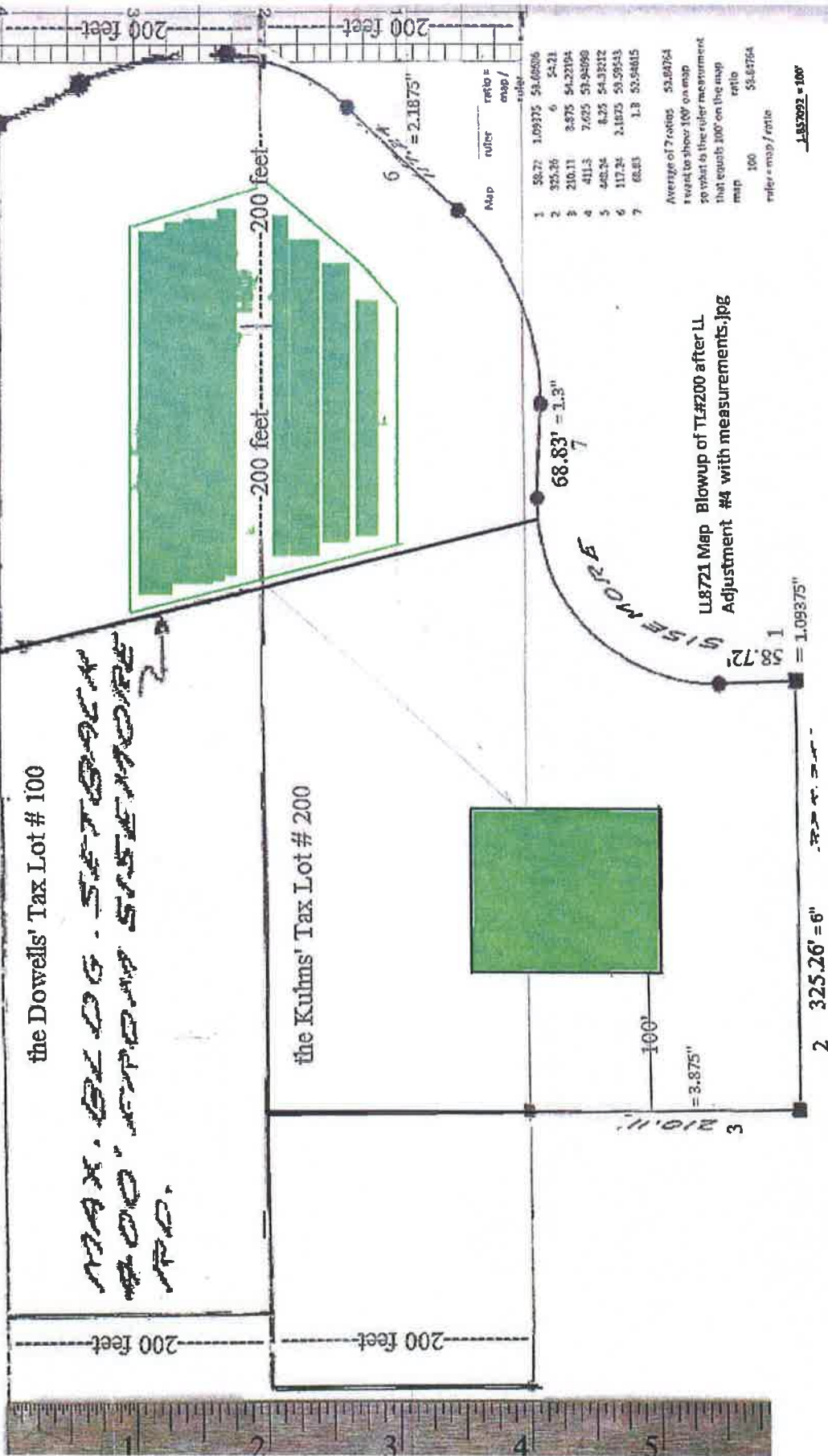
After clear Lines are touched up

How wide are the parcels? 200 feet wide

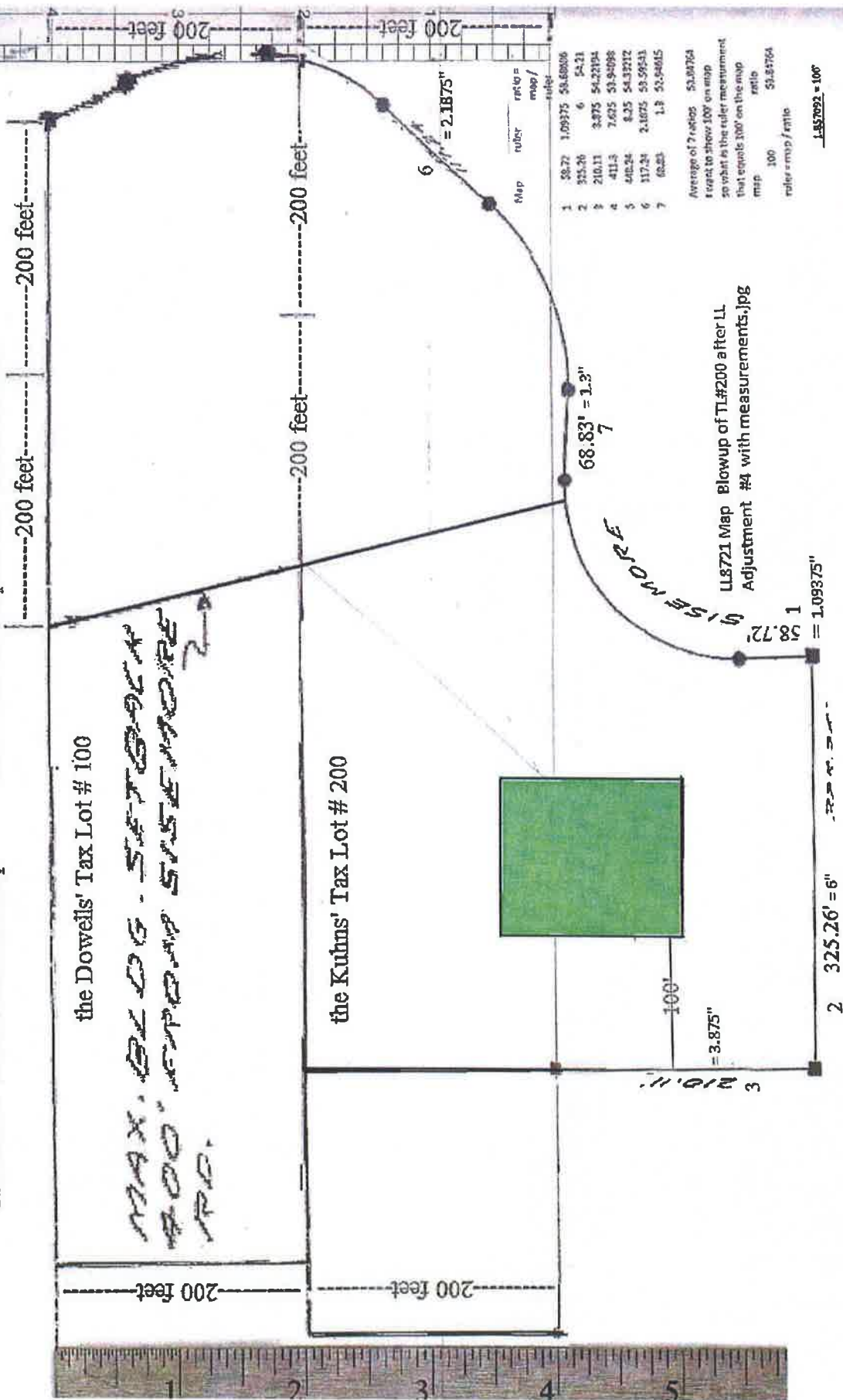
the Dowells' Tax Lot # 100

*MAX. BLDG. SETBACK
200' EXPD. SIDEWALK
RD.*

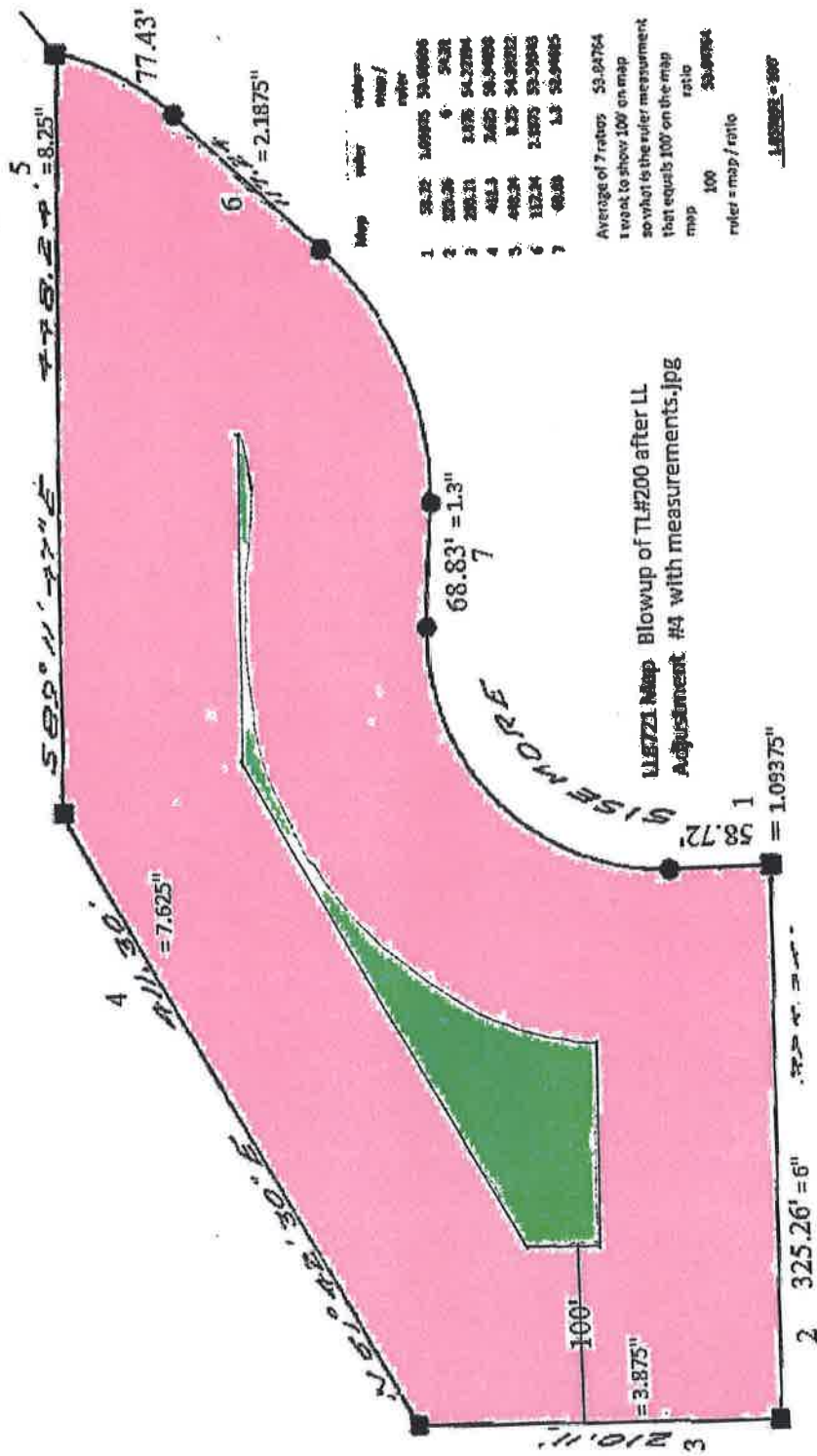
the Kuhns' Tax Lot # 200



After clear Lines are touched up



. First proposed Lot Line Adjustment to the other property owner. Other owner communicated he wasn't interested in spending any more money on his 'investment' property.



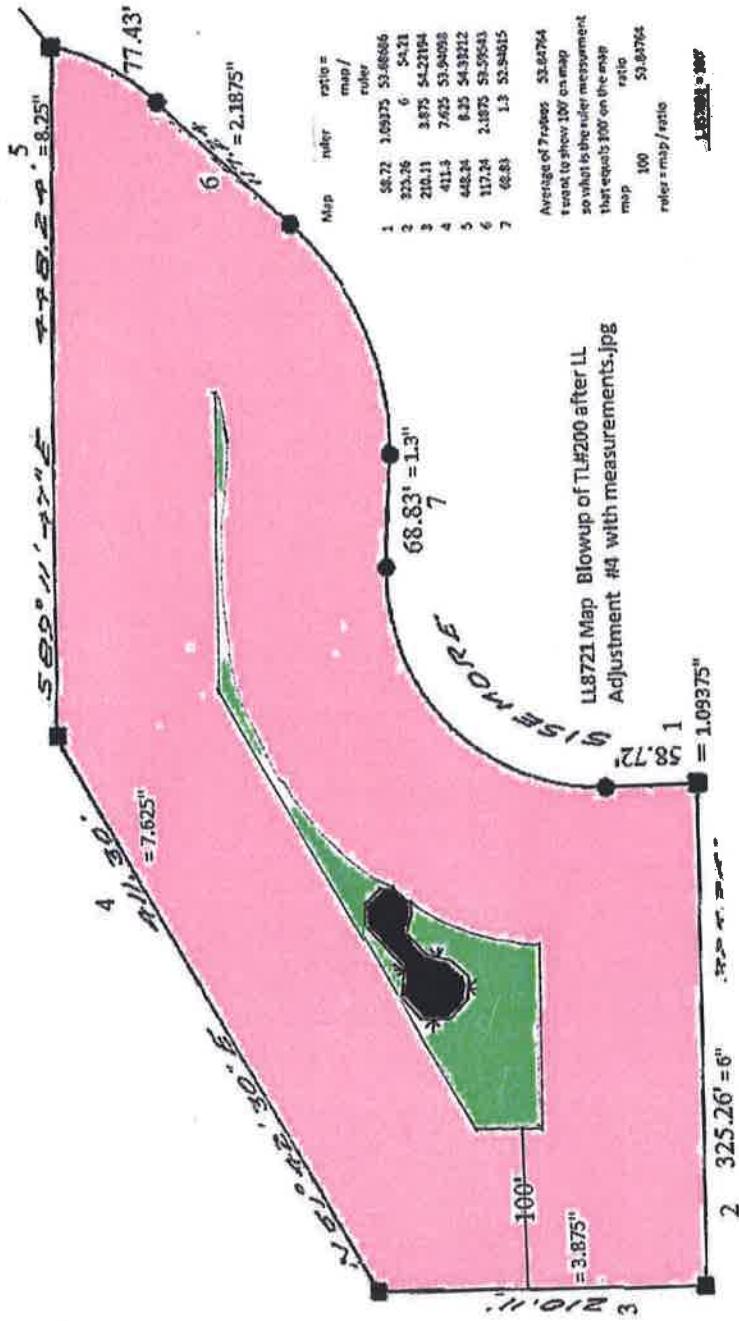
Buildable a.k.a. Building Envelope



NON-BUILDABLE Forest Zone 100' minimum Side Yard Setback



pp11 LL8721 Map After LL Adjustment with measurements and Building Envelope color.pdf



Buildable a.k.a. Building Envelope

NON-BUILDABLE Forest Zone 100' minimum Side Yard Setback

pp12 LL8721 Map After LL Adjustment with measurements and Building Envelope color w house.pdf

- The Kuhns were limited down to the inch as to where they could build.
- The Kuhns followed the County Code.
- The other party did NOT follow County Codes.
- The other party violated the Final Partition Plat Map by building outside of the building envelope
- The other party violated their own acreage overview map as submitted in their LM-92-9 application.



CITY OF BEND

*Submitted by
Nunzie Gold
3.10.16*

MARIJUANA BUSINESS OPERATING LICENSE

License Requirement

A Marijuana Operating License is a permission to operate any marijuana business operation in accordance with City of Bend Code. This license may be suspended, terminated, or revoked if the standards are not met or if the business is sold or otherwise transferred. No person may engage in marijuana business without first obtaining an operating license and subsequent renewal licenses annually.

All marijuana businesses must obtain a marijuana operating license. Existing medical marijuana businesses must obtain the license by December 31, 2016, and annually thereafter. For new businesses, an operating license must be obtained within thirty days of obtaining the land use permit to operate, and annually thereafter.

Term & Transferability

Licenses are valid for one year and may not be transferred or assigned to any other person or entity. Licenses expire one year after the date of issuance unless validly renewed.

License Fees

Upon submission of the original application, the applicant shall submit a non-refundable license fee of \$600 as set by City Council resolution based on the cost of administering the program. The renewal fee will be \$300 annually. This fee may be paid by check with the application. All cash or credit/debit card payments will need to be made to the Utility Billing Department at 639 NW Franklin Ave or over the phone at 541-388-5515.

Standards of Operation

Hours of Operation: Marijuana recreational retail facilities and medical marijuana dispensaries must not open before 7 a.m. or remain open after 10:00 p.m.

Building Requirement: Except for producing (grow) operations, all aspects of a recreational or medical marijuana business must be located inside a permanent building. Outdoor storage of marijuana and marijuana products for commercial sale is not allowed, except for production (grow) facilities as allowed by state regulation in the City's industrial zones.

On-site Consumption: The on-site consumption of marijuana at a marijuana business is prohibited unless:

1. The consumption is conducted for testing in compliance with OAR 333-008-1190; or
2. The consumption is allowed under the medical exception granted in OAR 333-008-1200.

Display: All marijuana plants, products, and paraphernalia must be completely screened from view from any point outside the marijuana business. There must be no visible marijuana, marijuana product, or marijuana paraphernalia from the exterior of the building or structure.

Security: All marijuana businesses must include the following safety measures:

1. Security lighting in parking lots, primary entrances, and exterior walkways to provide adequate visibility to employees and patrons.
2. Installation of a fully operational security system, including a video surveillance system and alarm system.
3. Any other security required by state law. Marijuana businesses may not have a walk-up and/or drive-through window.

Disposal: Marijuana businesses must provide for secure disposal of marijuana remnants or by-products as required by state law and regulation. Marijuana remnants or by-products may not be placed for collection with regular solid waste or recyclables by the City's solid waste collection franchisees.

Admittance of Law Enforcement and Other Authorized Personnel: Marijuana businesses may not refuse or limit entry of law enforcement or other authorized personnel to the business or premises for legitimate law enforcement, inspection, or other regulatory purposes.

Other City Regulations: The marijuana business must meet applicable laws and regulations, including but not limited to building and fire codes and the Bend Development Code. The marijuana business must comply with the regulations of all other city departments, including but not limited to, the Fire Department, Public Works and Utilities, the Building Division and Community Development, and must pay all required inspection and permitting fees. A Marijuana Business Operating License will not be issued by the City of Bend until all required City approvals have been obtained.

To view the Bend Code and Bend Development Code regarding this new program, please visit www.bendoregon.gov/marijuana.

To view the Oregon Liquor Control Commission regulations for recreational marijuana, please visit www.oregon.gov/olcc/marijuana.

To view the Oregon Health Authority regulations for medical marijuana, please visit www.oregon.gov/oha/mmj.

APPLICATION FORM

1. Applicant Information: Information of all owners and managers is required. Additional space is available at the end of this application for multiple owners and managers.

Name	
Address 1	
Address 2	
City, State, Zip Code	
Phone Number	
Email Address	

2. Business Information

Name	
Owner(s)	
Address 1	
Address 2	
City, State Zip Code	
Tax Map & Lot #	
Phone Number	
Website Address	

3. Business Operation: A separate Marijuana Business Operating License is required for each dispensary (including a dispensary converting to a recreational facility), facility or other business operation. If there are multiple operations at one facility or dispensary location, then an operating license must be obtained for each use at the location. Please select only one:

- | | |
|---|--|
| <input type="radio"/> Marijuana Recreational Retailer | <input checked="" type="radio"/> Medical Marijuana Dispensary |
| <input type="radio"/> Wholesale – Recreational | <input type="radio"/> Wholesale - Medical |
| <input type="radio"/> Processor of Concentrate/Products – Rec | <input type="radio"/> Processor of Concentrates/Products - Med |
| <input type="radio"/> Processor of Extracts – Recreational | <input type="radio"/> Processor of Extracts - Medical |
| <input type="radio"/> Grow/Production – Recreational | <input type="radio"/> Grow/Production - Medical |
| <input type="radio"/> Testing, research & development – Rec | <input type="radio"/> Testing, research & development - Med |

4. Government-issued Photo Identification: Identification of all owners and managers of the business. If the applicant is an entity, the identification of all owners and managers of the entity. Additional space is available at the end of this application for multiple owners and managers. A copy of the identification will be made at the time of application submittal.

Identification Type	
Identification Number	
State of issuance, if applicable	

5. Business Registration: All marijuana businesses are required to also obtain a City of Bend Business Registration if they have not already. Please visit www.bendoregon.gov/businesslicense to make application.

Business Registration Number	
------------------------------	--

6. For medical marijuana businesses: Proof that the Oregon Health Authority has registered the medical dispensary at the location on this application, registry identification card number of the person responsible for the medical marijuana dispensary. A copy of the proof and the registry identification card will be made at the time of application submittal.

OHA License Number	
Date Issued	
Registry Number	

7. For recreational marijuana businesses: Proof that the Oregon Liquor Control Commission has registered the facility at the location on this application. A copy of the proof will be made at the time of application submittal.

OLCC License Number	
Date Issued	

8. ☐ I acknowledge that I am fully aware and knowledgeable of the applicable rules and regulations established by the Oregon Health Authority, the Oregon Liquor Control Commission and Bend Code Chapter 7.50.
9. If available, please submit the Certificate of Occupancy for the business as well as a floor plan and site plan of the building to expedite your application review times. Please contact the Building Safety Division at 541-388-5528 for more information regarding these documents.

10. Signature

By signing this application, the applicant agrees to abide by the Marijuana Business Operating License requirements as stated in Bend Municipal Code Chapter 7.50. I warrant that the information provided in this application is true.

Name

Date

11. Property Owner Signature

By signing this application, the property owner of the aforementioned business location approves of this use of the property.

Name (Printed)

Signature

Date

Phone

Email

Additional Owner Information & Identification

Name	
Address 1	
Address 2	
City, State, Zip Code	
Phone Number	
Email Address	
Identification Type	
Identification Number	
State of Issuance, If Applicable	

Name	
Address 1	
Address 2	
City, State, Zip Code	

Phone Number	
Email Address	
Identification Type	
Identification Number	
State of Issuance, If Applicable	

Name	
Address 1	
Address 2	
City, State, Zip Code	
Phone Number	
Email Address	
Identification Type	
Identification Number	
State of Issuance, If Applicable	

Name	
Address 1	
Address 2	
City, State, Zip Code	
Phone Number	
Email Address	
Identification Type	
Identification Number	
State of Issuance, If Applicable	

- Sample narrative template for a non-retail medical marijuana business
- For production, extraction, processing and laboratories, a water and sewer analysis is required as part of your land use application. Water and sewer analyses are run through the Private Development Engineering Department and take about 2 weeks to process. For questions on water/sewer analysis, please contact comddeveng@bendoregon.gov or 541-388-5580 option 4.
- Operating License Application - The initial application fee is \$600 and is due at the time of application submission. Please contact Susanna Julber (sjulber@bendoregon.gov 541-693-2132) or Lorelei Williams (lwilliams@bendoregon.gov 541-323-8565) for more information.
- Business Registration: The City of Bend requires that all businesses have a current Business Registration (formerly Business License).
- Oregon Liquor Control Commission (OLCC) Website
- Frequently Asked Questions (FAQs)
- Industrial Pretreatment Program Fact Sheet

Land Use Regulations City of Bend Code Chapter 7.5



UTILITY DEPARTMENT

Industrial Pretreatment Program

December 30, 2015

The National Pretreatment Program is a cooperative effort of federal, state, and local regulatory environmental agencies established to protect water quality. The program is designed to reduce the level of potentially toxic pollutants discharged by industry and other non-domestic wastewater sources into municipal sewer systems, and thereby, reduce the amount of pollutants released into the environment from these sources.

The U.S. Environmental Protection Agency has delegated DEQ the authority to approve pretreatment programs at the local level and oversee state-wide pretreatment activities. The communities approved to implement the pretreatment program have the legal authority to issue industrial user permits, conduct inspections of industrial and commercial sources, sample industrial discharges and enforce regulations. These programs also routinely perform self-monitoring to ensure the protection of worker safety, the sewage treatment plant operations, bio solids and water quality.

The City of Bend Industrial Pretreatment Program (IPP) oversees and monitors all commercial and industrial businesses in regard to wastewater discharge and management of pollutants that are limited or not allowed in the sewer system.

The City of Bend Sanitation Code Title 15.60.010, Inspection and Sampling, allows the IPP inspectors the right to enter the facilities and ascertain compliance with Title 15 of the Bend Code.

For more information on this program or any questions concerning allowable discharges to the City of Bend Sewer System please contact one of the following staff members;

Kelly Graham, Program Manager Industrial Pretreatment, 541-322-6348

kgraham@bendoregon.gov

or

Christina Davenport, Industrial Pretreatment Technician, 541-323-8540

cdavenport@bendoregon.gov



COMMUNITY DEVELOPMENT

MARIJUANA BUSINESS LAND USE APPLICATION CHECKLIST

Please attach this checklist with the required City of Bend Land Use Application Form
(see page 2 for further information)

Property Information – For a business with multiple locations, complete one checklist per site

Site Address: _____ Tax map & lot number: _____

General Plan Designation: _____ Zoning District: _____

Select all uses that apply to your business operations at this site address:

- | | |
|---|--|
| <input type="checkbox"/> Marijuana Recreational Retailer | <input type="checkbox"/> Medical Marijuana Dispensary |
| <input type="checkbox"/> Wholesale – Recreational | <input type="checkbox"/> Wholesale - Medical |
| <input type="checkbox"/> Processor of Concentrates/Products - Rec | <input type="checkbox"/> Processor of Concentrates/Products - Med |
| <input type="checkbox"/> Processor of Extracts – Recreational | <input type="checkbox"/> Processor of Extracts - Medical |
| <input type="checkbox"/> Grow/Production – Recreational | <input type="checkbox"/> Grow/Production - Medical |
| <input type="checkbox"/> Testing, research & development – Rec | <input type="checkbox"/> Testing, research & development - Medical |

Are you an existing Medical Marijuana Dispensary converting to a Marijuana Recreational Retailer? ☐ Yes ☐ No

Business Information

Business Name: _____

Description of Business: _____

Building square footage per use: _____

Required Applications and Licenses

All new marijuana businesses, conversions from medical to recreational marijuana or expansions of existing marijuana businesses must file for and obtain the following licenses and approvals:

City of Bend Land Use Application (Check all applicable boxes)

☐ Site Plan Review ☐ Minimum Development Standards Review ☐ Conditional Use Permit

City of Bend Operating License: All new marijuana businesses must obtain a marijuana operating license within 30 days of obtaining the land use permit, and annually thereafter. Existing medical marijuana businesses must obtain the license by December 31, 2016, and annually thereafter.

OHA/OLCC License: Proof of a license from the State (either OHA or OLCC) confirming the security plan and all other required improvements is required prior to final occupancy.

Business Owner Information

Applicant: _____ Phone: _____

Address: _____ Email: _____

Authorized Representative: _____ Phone: _____

Address: _____ Email: _____

Do you own the property where the business will be located? ☐ Yes ☐ No - If you are NOT the property owner, please fill out the information below.

Property Information

Property Owner: _____ Phone: _____

Address: _____ Email: _____

To the best of my knowledge, all statements and information contained in this application and attached exhibits are true and correct.

By signing this document, I acknowledge that I have read all the regulations relating to the operation of a Marijuana Businesses under Bend Development Code 3.6.300.P Marijuana Businesses and Chapter 7.50 Marijuana Business Operating License.

Applicant: _____ Date: _____

Property Owner: _____ Date: _____

For questions regarding Marijuana Business Land Use applications, please contact the City of Bend Planning Division at (541) 388-5580 ext 3, or via email to bendcdd@bendoregon.gov.

Visit <http://www.bendoregon.gov/marijuana> for more information.

MARIJUANA OPERATING LICENSE PROGRAM

Marijuana Operating License Program

City of Bend | OLCC Timelines

On January 4, 2016 at 9 am, the City Planning Division began accepting City land use applications and OLCC Land Use Compatibility Statement forms for marijuana businesses.

Applications are processed on a first-come, first-served basis - an application is considered filed once the application form signed by the property owner has been submitted to the City and the fees paid. Preference will be given to applicants filing in-person at the Permit Center at City Hall; applications submitted via email will be processed as time allows.

To learn more about the application process for your business, please click on the Application Processes button below, review the presentation slides from the December 30, 2015 information forum and read through the Frequently Asked Questions.

APPLICATION PROCESSES

Maps of Separation Distances for Retail Marijuana Facilities

Separation distances apply to recreational marijuana retailers and new medical marijuana dispensaries. The City has prepared maps for general information purposes only and may not show all protected uses. An applicant cannot and should not rely on the information provided in these maps as proof that a proposed location meets separation distance requirements.

- Separation Distances for Recreational Retailers - last updated 3/10/2016
- Separation Distances for Medical Dispensaries - last updated 2/26/2016 (no changes as of 3/10)

Medical Marijuana

- Land Use Applications: Please review the land use regulations (Bend Development Code 3.6.300.P) to determine which land use application(s) you will need to file. With your Minimum Development Standards, Site Plan Review or Conditional Use Permit application, you will also need to complete a Marijuana Business Land Use Application Checklist.

- Please contact Pauline Hardie (phardie@bendoregon.gov 541-693-2153) or Rachel Ruppel (rruppel@bendoregon.gov 541-693-2111) with questions about land use applications.
- Please review the submittal requirements listed on your land use application form; you will be prompted to upload these documents to ePlans, the City's online plan review platform. One of the requirements is a narrative that demonstrates how your proposal complies with the Bend Development Code. For your convenience, we have prepared sample narrative templates:
 - Sample narrative template for a new medical dispensary
 - Sample narrative template for a non-retail medical marijuana business
- For production, extraction, processing and laboratories, a water and sewer analysis is required as part of your land use application. Water and sewer analyses are run through the Private Development Engineering Department and take about 2 weeks to process. For questions on water/sewer analysis, please contact comddeveng@bendoregon.gov or 541-388-5580 option 4.
- Operating License Application - The initial application fee is \$600 and is due at the time of application submission. Please contact Susanna Julber (sjulber@bendoregon.gov 541-693-2132) or Lorelei Williams (lwilliams@bendoregon.gov 541-323-8565) for more information.
- Business Registration: The City of Bend requires that all businesses have a current Business Registration (formerly Business License).
- Oregon Health Authority (OHA) Website
- Frequently Asked Questions (FAQs)
- Industrial Pretreatment Program Fact Sheet

Recreational Marijuana

- Land Use Applications: Please review the land use regulations (Bend Development Code 3.6.300.P) to determine which land use application(s) you will need to file. With your Minimum Development Standards, Site Plan Review or Conditional Use Permit application, you will also need to complete a Marijuana Business Land Use Application Checklist.
 - Please contact Pauline Hardie (phardie@bendoregon.gov 541-693-2153) or Rachel Ruppel (rruppel@bendoregon.gov 541-693-2111) with questions about land use applications.
 - Please review the submittal requirements listed on your land use application form; you will be prompted to upload these documents to ePlans, the City's online plan review platform. One of the requirements is a narrative that demonstrates how your proposal complies with the Bend Development Code. For your convenience, we have prepared sample narrative templates:
 - Sample narrative template for a medical dispensary converting to recreational retail
 - Sample narrative template for a new recreational retailer

- Sample narrative template for a non-retail medical marijuana business
- For production, extraction, processing and laboratories, a water and sewer analysis is required as part of your land use application. Water and sewer analyses are run through the Private Development Engineering Department and take about 2 weeks to process. For questions on water/sewer analysis, please contact comddeveng@bendoregon.gov or 541-388-5580 option 4.
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- Business Registration: The City of Bend requires that all businesses have a current Business Registration (formerly Business License).
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Land Use Regulations

City of Bend Code Chapter 7.5