

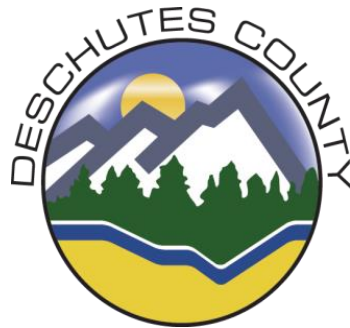
Deschutes County Planning Commission

November 5, 2015

Public Hearing

File No. 247-15-000542-TA

Land Use Regulation of Marijuana Related Businesses



Hearing Procedures

- **The Planning Commission's recommendation on this application will be based upon the record, the staff report, and the testimony and evidence presented at this hearing.**
- **The hearing will be conducted in the following order.**
 - 1. Staff will provide a brief report.**
 - 2. Opponents and proponents will testify and present evidence.**
 - 3. Other interested persons will then present testimony or evidence.**
 - 4. Staff will be afforded an opportunity to make any closing comments.**



Staff Report Overview

- Marijuana in Oregon
- Marijuana in Deschutes County
- Proposed Regulations
- Additional Policy Considerations
- Staff Recommendation
- Questions

Marijuana in Oregon

- **Marijuana is illegal under Federal law (CSA)**
- **Oregon law allows possession/consumption of marijuana for medical and adult (+21) recreational use.**
 - Oregon Medical Marijuana Program (1998-Measure 67)
Regulated by Oregon Health Authority (OHA)
 - Recreational Marijuana (2014-Measure 91)
Regulated by Oregon Liquor Control Commission (OLCC)

Marijuana in Oregon

- **Applicable Rules and Laws are Very Fluid**
 - Five related bills enacted by 2015 legislature
 - OLCC adopted temporary administrative rules Oct. 22nd
 - Interpretation and regulatory approaches are evolving

Marijuana in Oregon

HB 3400

Identifies Marijuana Related Uses to be Licensed by OLCC:

- Production - Growing
- Processing - Products, concentrates, or extracts
- Retail - Selling to a consumer
- Wholesaling - Selling to person not consumer
- *Excludes Personal/Caregiver Growing or Processing*

Allows County to “Opt Out” of Marijuana Businesses

Allows County to Establish “Reasonable Regulations”

- “Time, Place, and Manner” Standards

Marijuana in Deschutes County

Measure 91

- 51.9% in favor, 48.1% opposed in Deschutes County

Board Options Under HB 3400 Were:

1. “Opt Out” of One or More of Business Categories
2. Take No Action
3. Adopt New Land Use Regulations of Marijuana Businesses
4. A Combination of the Above



Proposed Land Use Regulations of Marijuana Related Businesses in Deschutes County

Marijuana in Deschutes County

Proposed Time, Place and Manner Regulations

- Place - Where the uses can be located
 - Zoning, parcel size, separation
- Time and Manner - How the uses must be designed and operated
 - Specific use development standards

Marijuana in Deschutes County

Proposed Use Categories

- **Production** - Growing (M/R)
- **Processing** - Products, concentrates, or extracts (M/R)
 - Type 1- trimming, drying ,curing, and packaging
 - Type 2 – concentrates, extracts, infused products
- **Retail** - Selling to a consumer (M/R)
- **Wholesaling** - Selling to person not consumer (R)
 - Office only
 - Including onsite storage of product

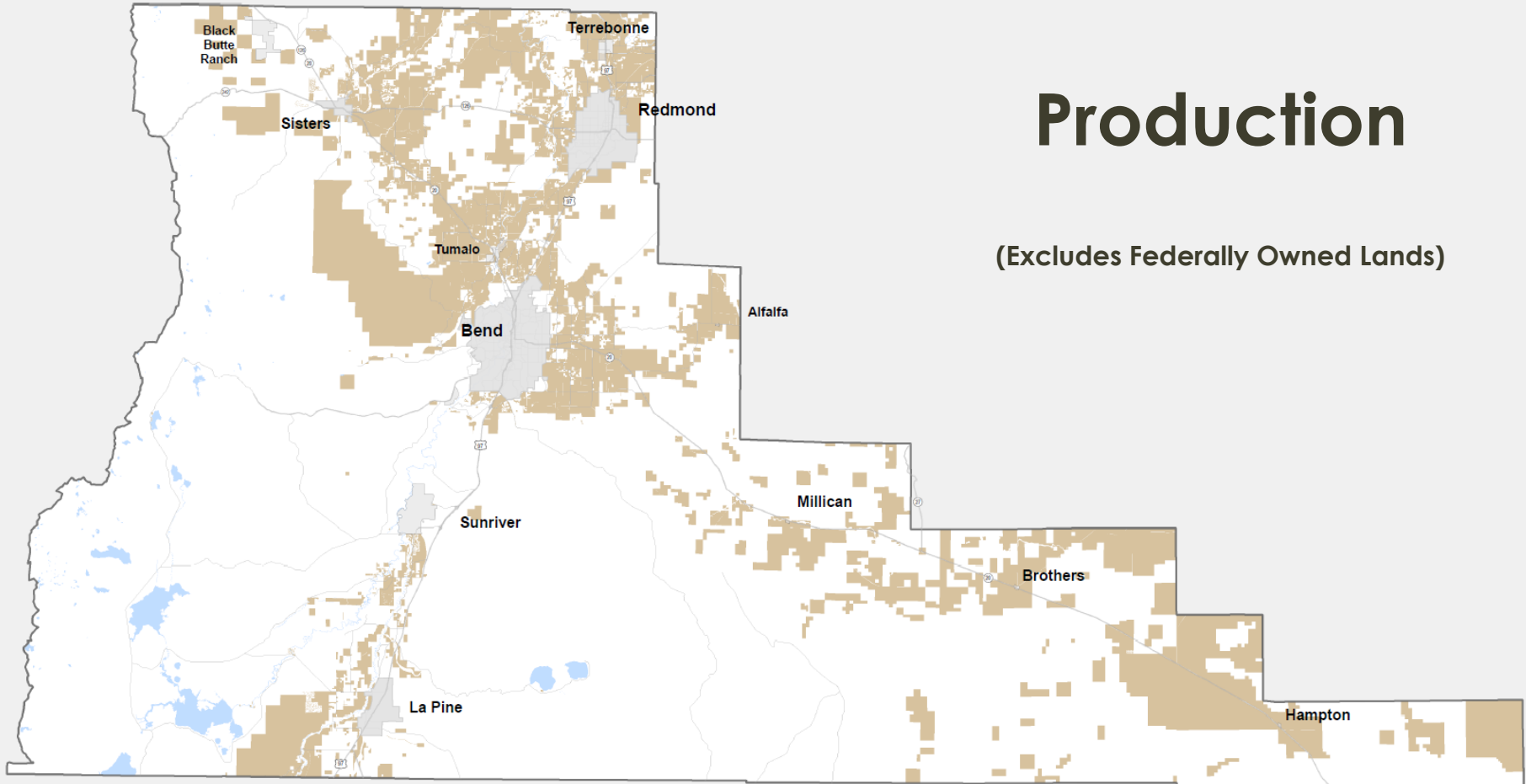
Production - Zoning

- P- Permitted
- CU – Conditional Use

18.16 Exclusive Farm Use - EFU	P
18.32 Multiple Use Agricultural - MUA10	CU
18.36 Forest Use - F-1	CU
18.40 Forest Use - F-2	CU
18.52 Surface Mining - SM	CU
18.60 Rural Residential - RR-10	CU
18.65 RURAL SERVICE CENTER - UC	
18.65.020 Commercial Mixed Use District (Brothers, Hampton, Millican, Whistlestop, Wildhunt)	CU
18.65.021 Commercial Mixed Use (Alfalfa)	CU
18.65.022 Residential District (Alfalfa)	CU
18.66 TERREBONNE RURAL COMMUNITY	
18.66.030 Residential 5-acre - TeR5	CU
18.67 TUMALO RURAL COMMUNITY	
18.67.030 Residential 5-acre - TuR5	CU
18.74 RURAL COMMERCIAL	
18.74.020 Deschutes Junction and Deschutes River Woods Store	CU
18.100 Rural Industrial	CU

Production

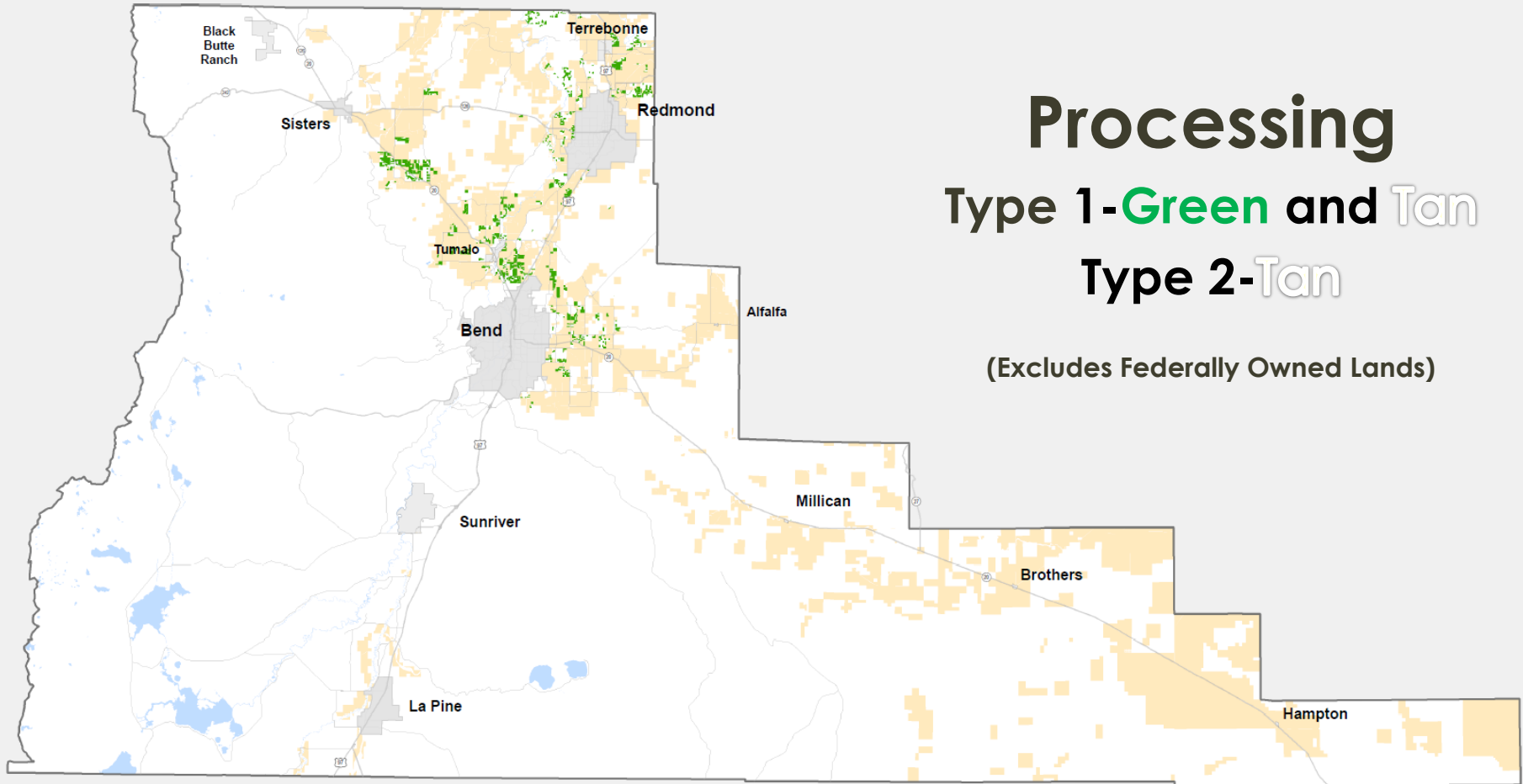
(Excludes Federally Owned Lands)



Processing - Zoning

- P- Permitted
- CU – Conditional Use

	Type 1	Type 2
18.16 Exclusive Farm Use - EFU	P	P
18.32 Multiple Use Agricultural - MUA10	CU	CU
18.66 TERREBONNE RURAL COMMUNITY		
18.66.040 Commercial - TeC	CU	CU
18.66.050 Commercial Rural - TeCR	CU	CU
18.67 TUMALO RURAL COMMUNITY		
18.67.040 Commercial - TuC	CU	CU
18.67.060 Industrial - TuI	P	CU
18.100 Rural Industrial	P/CU	CU
18.108 SUNRIVER UUC		
18.108.110 Business Park - SUBP	P	CU



Processing

Type 1-**Green** and Tan

Type 2-Tan

(Excludes Federally Owned Lands)

Production and Processing - Standards

- **Setbacks**

- 100 ft setback from lot line
- 300 ft from existing dwelling not located on same property

- **Access**

- **Odor**

- Filtration equipment in buildings and greenhouses

- **Lighting**

- Screened or shielded from sunset to sunrise
- Not used for outdoor grow

- **Security Cameras**

- **Secure Disposal**

Production and Processing - Standards (cont.)

- **Noise**

- Not to exceed 50 dB(A) at property lined between 10:00pm-7:00am

- **Screening**

- Vegetation, berms, topography, wall, fence, or other

- **Water**

- **Separation Distances**

- 1,000 feet from public/private schools and licensed child care centers/preschools

Production and Processing – Standards (cont.)

- **Nonconformance**

- Existing operations must comply with the following standards by December 31, 2016:
 - Odor
 - Lighting
 - Security Cameras
 - Secure Disposal
 - Noise
 - Screening

Production and Processing – Standards (cont.)

- **Additional Standards in RR-10, MUA-10, F-1, and F-2 Zones**

(Note: Of these zones, processing only allowed in MUA-10 Zone)

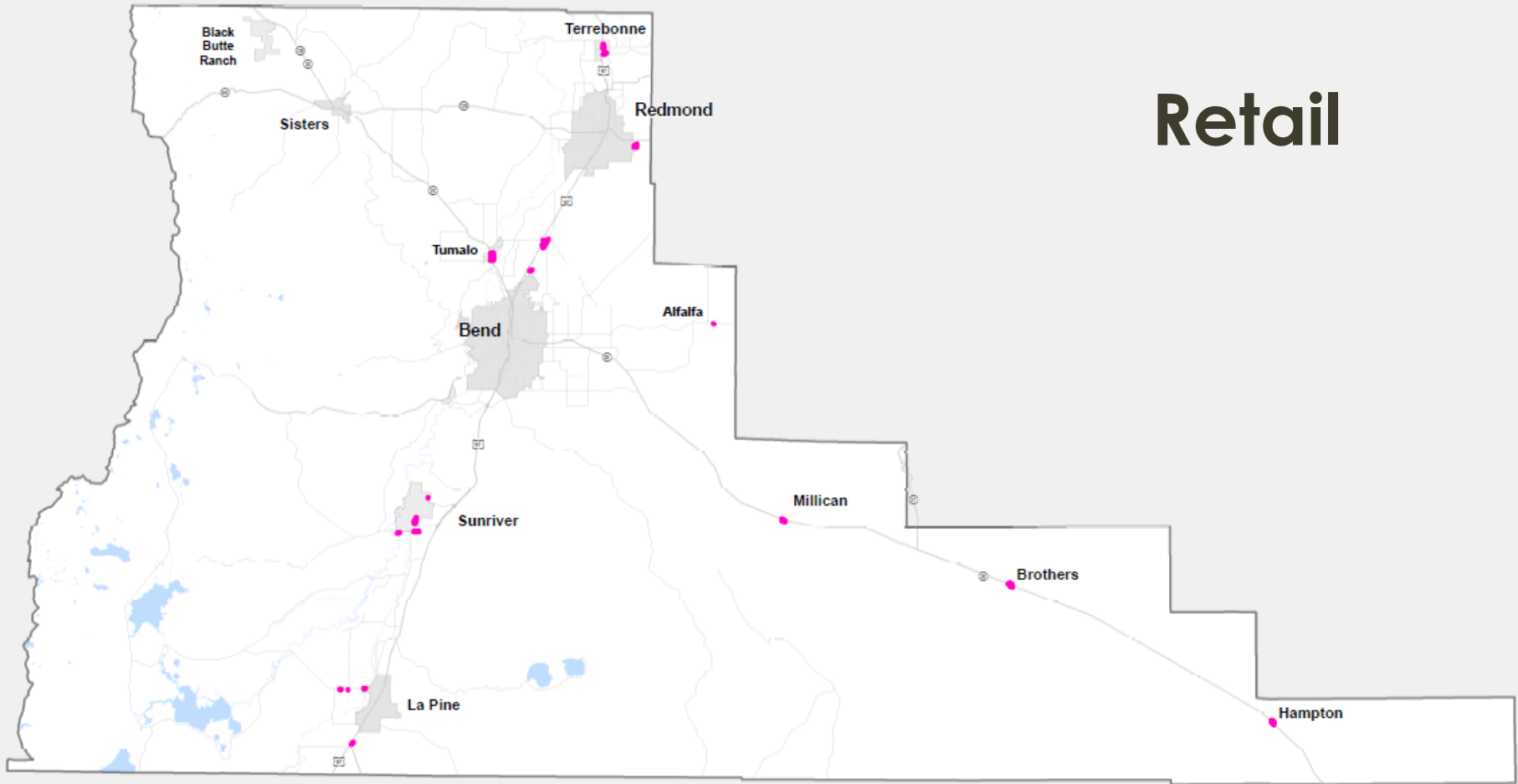
- Property owner shall reside on the property
- Minimum parcel size:
 - Production: 5 acres
 - Processing, Type 1: 5 acres
 - Processing, Type 2: 10 acres
- Building Area:
 - Production: 5,000 sq feet
 - Processing: 3,000 sq feet
- Type 2 Processing only permitted within a fire district

Retail - Zoning

- P- Permitted
- CU – Conditional Use

18.65 RURAL SERVICE CENTER - UC	
18.65.020 Commercial Mixed Use District (Brothers, Hampton, Millican, Whistlestop, Wildhunt)	CU
18.65.021 Commercial Mixed Use (Alfalfa)	CU
18.66 TERREBONNE RURAL COMMUNITY	
18.66.040 Commercial - TeC	P
18.66.050 Commercial Rural - TeCR	P
18.67 TUMALO RURAL COMMUNITY	
18.67.040 Commercial - TuC	P
18.67.060 Industrial - TuI	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
18.100 Rural Industrial	
18.108 SUNRIVER UUC	
18.108.050 Commercial - SUC	CU
18.108.055 Town Center - TC	CU
18.108.110 Business Park - SUBP	CU

Retail



Retail - Standards

- **Hours of Operation**
 - 10:00am-7:00pm
- **No Window Service**
- **Secure Disposal**
- **No Minors**
- **No Co-Location of Related Activities and Uses**
 - No product use on site
 - Not co-located on same property as marijuana social/smoke club.

Retail – Standards (cont.)

- **Separation Distances**

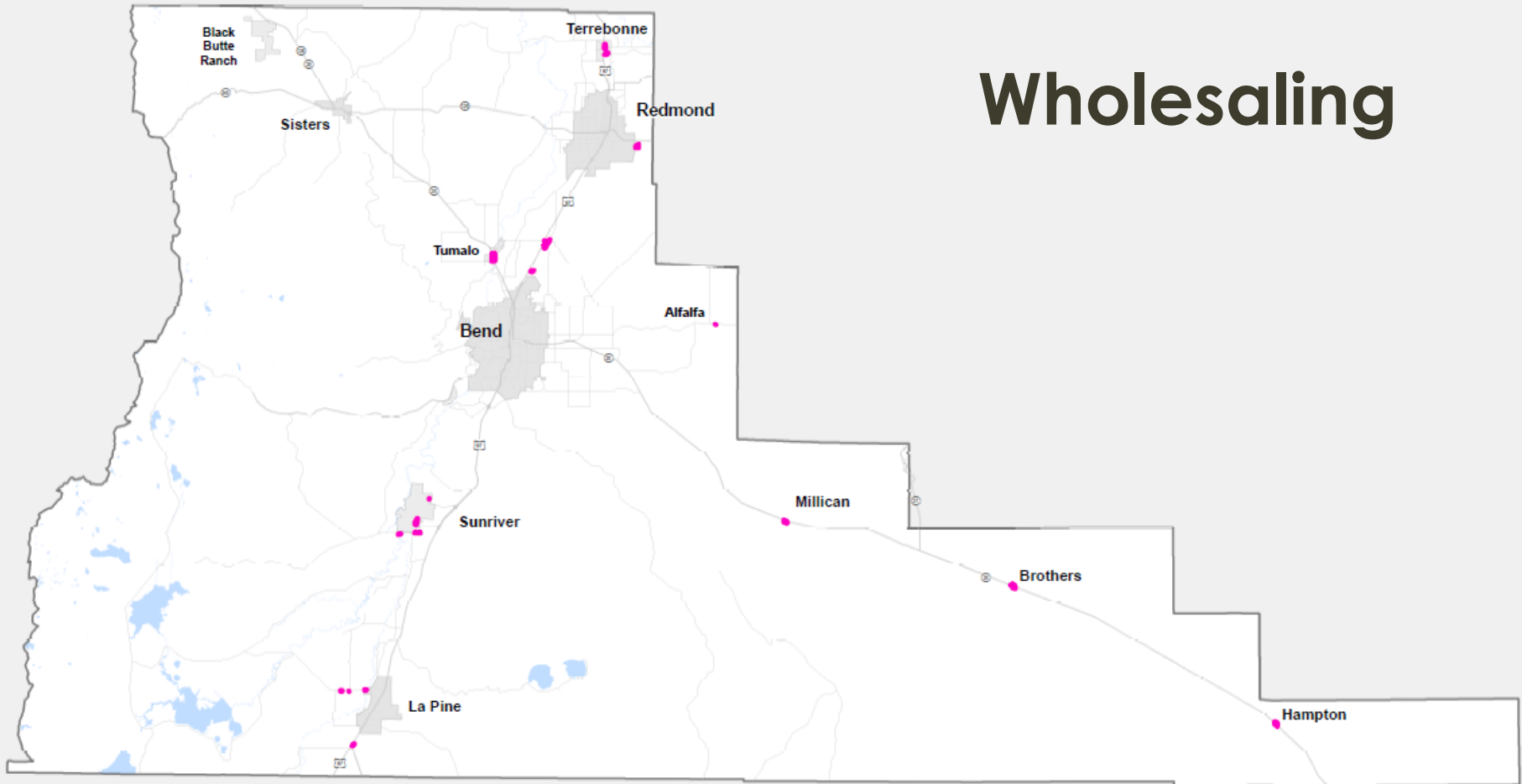
- 1,000 feet from public/private schools and licensed child care centers/preschools
- 1,000 feet from any other marijuana retailer
- Change of use will not cause violation

Wholesaling - Zoning

- P- Permitted
(office only)
- CU – Conditional Use
(w/ storage of product)

18.65 RURAL SERVICE CENTER - UC	
18.65.020 Commercial Mixed Use District (Brothers, Hampton, Millican, Whistlestop, Wildhunt)	P
18.65.021 Commercial Mixed Use (Alfalfa)	P
18.66 TERREBONNE RURAL COMMUNITY	
18.66.040 Commercial - TeC	P/CU
18.66.050 Commercial Rural - TeCR	P/CU
18.67 TUMALO RURAL COMMUNITY	
18.67.040 Commercial - TuC	P/CU
18.74 RURAL COMMERCIAL	
18.74.027 Pine Forest and Rosland	P
18.108 SUNRIVER UUC	
18.108.050 Commercial - SUC	P
18.108.110 Business Park - SUBP	P/CU

Wholesaling



Wholesaling With Onsite Storage of Product - Standards

- **Secure Disposal**
- **No Co-Location of Related Activities and Uses**
 - No product use on site
 - Not co-located on same property as marijuana social/smoke club.
- **Separation Distances**
 - 1,000 feet from public/private schools and licensed child care centers/preschools
 - Change of use will not cause violation

Other Proposed Amendments

- **Definitions**
- **Marijuana related uses are prohibited as home occupations**
- **Medical marijuana dispensary regulations repealed**
- **Marijuana related uses prohibited for lands subject to Titles 19 (Bend), 20 (Redmond), and 21 (Sisters)**

Additional Policy Considerations

- Are proposed TPM standards “reasonable” and adequate?
- Should TPM standards be applicable in the EFU zone as proposed?
- Should uses be permitted outright with standards vs. conditional use or prohibited?
- Should exceptions for existing or unique circumstances be allowed?
- Should Type 1 and 2 Processing definitions be amended?
- Others?

Staff Recommendation

Consider Alternative Regulatory Options And Direct Staff To Draft Regulations Implementing This Approach For Consideration Including:

- Amend proposal to align with state law / OLCC rules
- Move provisions out of zoning code to alternative titles of Deschutes county code
- Change from conditional use to permitted with standards

Questions?

For More Information Visit:
www.deschutes.org/marijuana

