

Matt Martin

From: Matt Martin
Sent: Tuesday, March 01, 2016 10:32 AM
To: Matt Martin
Subject: FW: ' Nasal Ranger' patrols for pot smells in Denver.

MAC Members-

The following message was received via the mac@deschtues.org e-mail address.

Matthew Martin, AICP
Associate Planner
Community Development Department
Deschutes County
Office: 541.330.4620/Fax: 541.385.1764
www.deschutes.org/cd

From: Sam Davis **Sent:** Tuesday, March 01, 2016 10:04 AM
To: Board; MAC; Matt Martin; Nick Lelack
Subject: ' Nasal Ranger' patrols for pot smells in Denver.

Commissioners/MAC/Nick/Matt:

Denver is using a device to quantify marijuana odors – the Nasal Ranger. Odor quantification will become a large issue in Deschutes County with 1800+/- medical grow operations plus possibly the new recreational. This device is apparently being used successfully in Denver and over a set threshold fines are issued, it might be considered for Deschutes County.

Sam Davis

' [Nasal Ranger' patrols for pot smells in Denver](http://kdvr.com/2013/11/13/nasal-ranger-patrols-for-pot-smells-in-denver/) |... (<http://kdvr.com/2013/11/13/nasal-ranger-patrols-for-pot-smells-in-denver/>)

<http://kdvr.com/2013/11/13/nasal-ranger-patrols-for-pot-smells-in-denver/>

Nov 13, 2013 ... **DENVER** -- One man uses a secret weapon to make sure the **smell** of **marijuana** doesn't overpower local neighborhoods.

'Nasal Ranger' sniffs out skunky weed

<https://www.youtube.com/watch?v=Tw-UiWwOD7Y>

Modern marvels - Quantifying Odors with the Nasal Ranger, 23 January 2012 as part of History Channel's Modern Marvels Episode "Stink".

<https://www.youtube.com/watch?v=mQgWc25NGB4&feature=youtu.be>

From: Jim Petsche
Sent: Tuesday, March 01, 2016 9:20 AM
To: Nunzie
Cc: Paula Hawes; Mark Murzin; Sam Davis; Liz Lotochinski
Subject: Re: barnyard odor, measuring nuisance odors

Here's the link to the Nasal Ranger that the City of Denver uses to enforce their odor ordinances:
<http://www.nasalranger.com/>

Ben Siller of the Denver Dept of Environmental Health dept - Denver code Enforcement office
Apparently it has 6 settings and they issue a citation for level 2 (#15)has six settings:

#2 slight but noticeable

#15 considered a 'nuisance' and is offensive to almost anyone coming in contact They will usually say 'what's that smell ??

#30 general comment - Wow that's strong

#60

#100 extremely offensive - makes you pull a cloth over your nose - won't stay long

#500 makes you want to gag - immediately want to leave the area

On Mon, Feb 29, 2016 at 10:37 PM, Nunzie wrote:

thanks, are you aware of any odor regulations under Oregon law?

not related to goats but as a means to measure odors?

Thanks, Nunzie Gould

On Feb 29, 2016, at 11:16 AM, Keith Kever wrote:

Hi, thanks for your inquiry. Within the City of Salem, there are no regulations regarding odor. The mention of the "barnyard odor" of the goats was purely a side comment in the report. The primary point of the report was the cost comparison between goats and other maintenance means.

Best regards,

Keith Kever

>>> Nunzie 2/28/2016 10:46 AM >>>

Hello Kevin

I am interested in learning about the methodology that Salem uses measures to measure a nuisance odor.

Would you kindly link me to that portion of the development code? this stems from goats doing weed eradication work in Minto-Brown Island Park.

<<http://af.reuters.com/article/oddlyEnoughNews/idAFKCN0W002D>>

I'm in particular looking into the odor nuisance of marijuana also so this is why the article caught my eye.

I highly doubt that goats are any more pungent than matured marijuana plants... a growing problem here in Deschutes county so it's a good thing that our County Commissioners continue their Opt Out !
atleast until they can get some olfactory regulations in place!

Thanks, Nunzie Gould

a rural Deschutes County resident

Matt Martin

From: Matt Martin
Sent: Wednesday, March 02, 2016 9:17 AM
To: Matt Martin
Subject: FW: Photos of MJ Grow Sites - Deschutes County
Attachments: Commercial Grow Site.pdf

MAC Members-

Liz Lotochinski asked that this attachment be forwarded to the MAC.

Matthew Martin, AICP
Associate Planner
Community Development Department
Deschutes County
Office: 541.330.4620/Fax: 541.385.1764
www.deschutes.org/cd

From: Liz Lotochinski
Sent: Wednesday, March 02, 2016 7:15 AM
To: Matt Martin
Subject: Photos of MJ Grow Sites - Deschutes County

Matt-
Please share the attached with the MAC members.

Thank you.

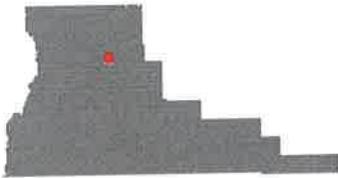
Deschutes County Property Information - Dial

Overview Map



Deschutes County GIS, Sources: Esri, USGS, NOAA

Map and Taxlot: 161231A000099



*Submission from Gould
MacKay 3/2/2016*



CS10252

CS10252

TUMALO SWIMMING POOL

AVENUE

Block 12

AVENUE

SCALE 1"=50'

4th STREET

Block 13

RIVERSIDE

East Line of Tumalo

RIVER

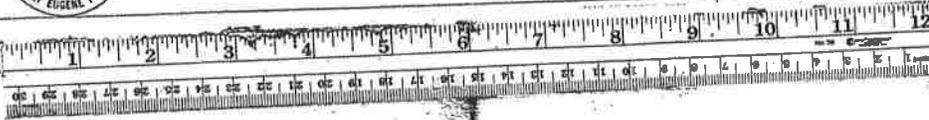


CS10252

1612-31A

JUNE 30 1993

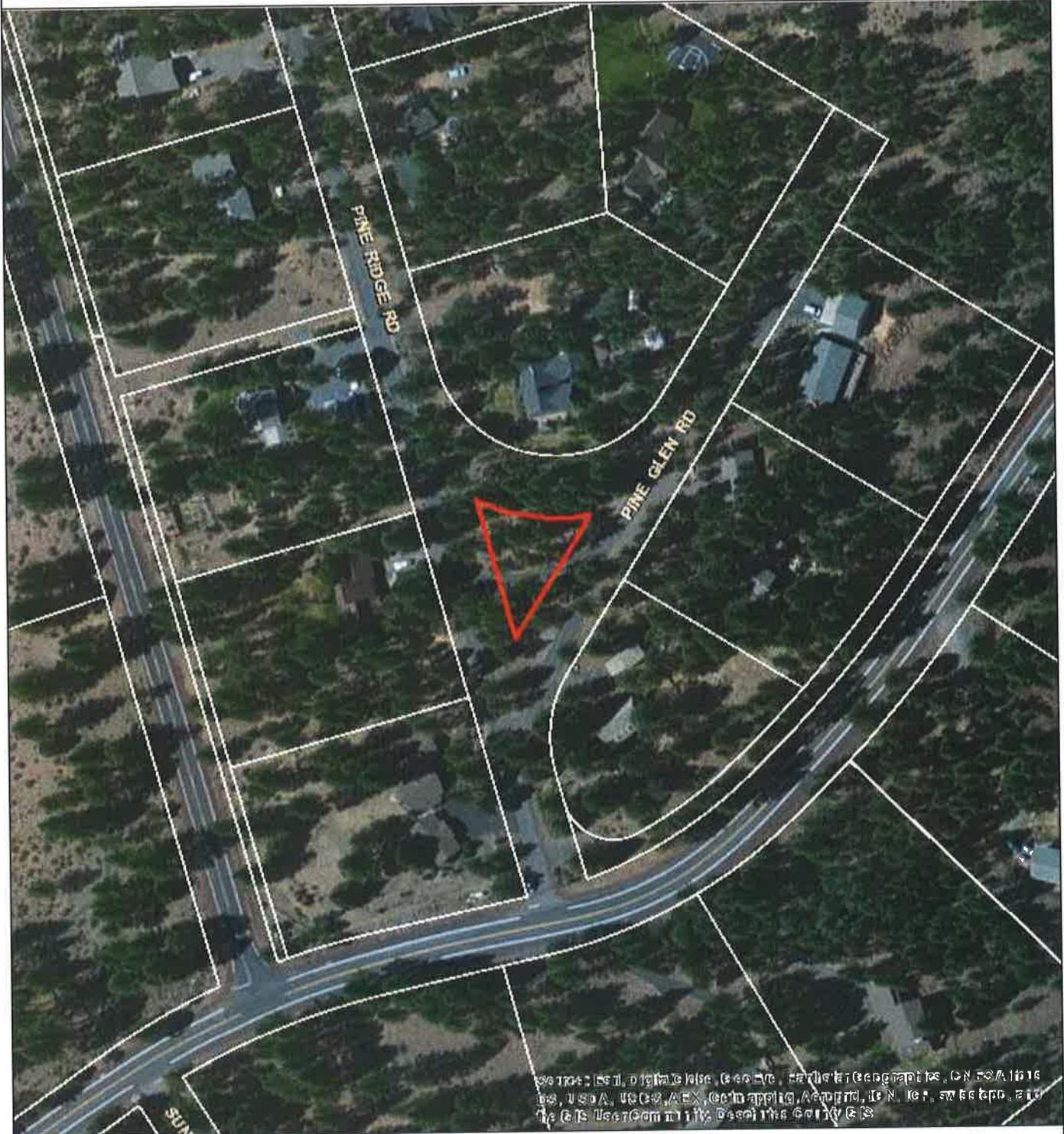
IF THIS DOCUMENT IS NOT LEGIBLE THAN THIS NOTATION, IT IS DUE TO THE QUALITY OF THE ORIGINAL DOCUMENT.



16X

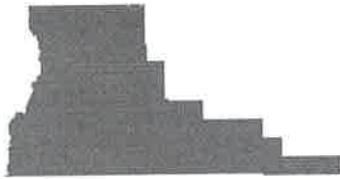
Deschutes County Property Information - Dial

Overview Map



We use Esri, DigitalGlobe, GeoEye, Earthstar (Earthstar), CNES/Airbus, USDA, USDA, AeroGRID, IGN, and the GIS User Community. Deschutes County GIS

Map and Taxlot: 141027C007600



RECEIVED

BY:

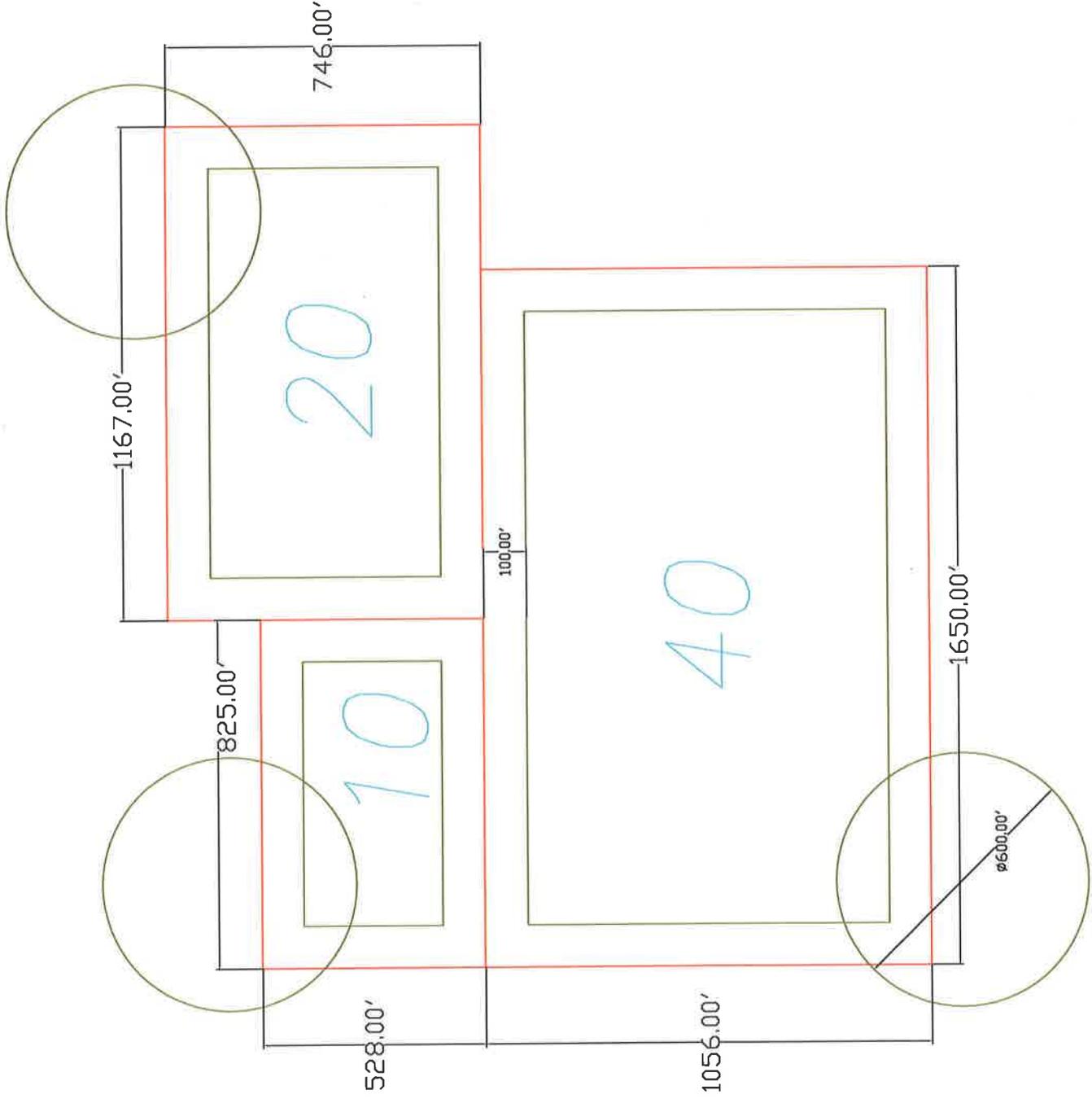
myrk

March 2 2016

DELIVERED BY:

Lindsey Post

at MAE Mfg



PATE

Matt Martin

From: Matt Martin
Sent: Monday, March 07, 2016 3:46 PM
To: Matt Martin
Subject: FW: Joint Committee Video

MAC Members-

The following message was received via the mac@deschutes.org e-mail address.

Matthew Martin, AICP
Associate Planner
Community Development Department
Deschutes County
Office: 541.330.4620/Fax: 541.385.1764
www.deschutes.org/cd

From: alfalfavalleyfarms
Sent: Sunday, March 06, 2016 9:00 AM
To: MAC
Subject: Joint Committee Video

Dear MAC Members,

I wanted to submit this video clip from our state legislature Joint Committee from 2/23/2016. I've referenced in the last meeting how the Joint Committee spoke to the effects of how it was important to remember what reasonable regulations are. If you go the the 50:00 minute mark, and watch the last five minutes, it really helps explain the legislatures position on this. Representative Helm was very clear in that if we didn't adopt what they felt were "reasonable" regulations (including excessive setbacks) the legislature would have to come back and revisit the issue in the beginning of the next session. I think this is important in our meetings to come as I don't think its in anyones best interest to recommend rules that are just overturned in the next session. I hope this helps!

http://oregon.granicus.com/MediaPlayer.php?clip_id=10788

Thanks in Advance,
Andrew Anderson

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Matt Martin

From: Matt Martin
Sent: Monday, March 07, 2016 3:47 PM
To: Matt Martin
Subject: FW: Deschutes Rural Living Handbook
Attachments: Deschutes RLH 2010.pdf; ATT00001.htm

MAC Members-

The following message was received via the mac@deschutes.org e-mail address.

Matthew Martin, AICP
Associate Planner
Community Development Department
Deschutes County
Office: 541.330.4620/Fax: 541.385.1764
www.deschutes.org/cd

From: alfalfavalleyfarms
Sent: Sunday, March 06, 2016 9:07 AM
To: MAC
Subject: Deschutes Rural Living Handbook

Dear MAC members,

I have attached Deschutes County Rural Living Handbook-A Resource for Country Living and Land Stewardship. This is public information and directly relates to living in rural areas. The handbook was published in 2010. It explains what to expect before buying or building a home in rural Deschutes County, especially on EFU. There is a majority of relevant information on pages 8 and 9.

Matt Martin

From: Matt Martin
Sent: Tuesday, March 08, 2016 8:33 AM
To: Matt Martin
Subject: FW: Marijuana greenhouses

MAC Members-

The following message was received via the mac@deschutes.org e-mail address.

Matthew Martin, AICP
Associate Planner
Community Development Department
Deschutes County
Office: 541.330.4620/Fax: 541.385.1764
www.deschutes.org/cd

-----Original Message-----

From: Mary H. Holsten
Sent: Monday, March 07, 2016 6:37 PM
To: MAC
Subject: Marijuana greenhouses

Please continue the moratorium on marijuana businesses in rural Deschutes county, and let voters decide in November.

Two very large greenhouses have recently been erected across the highway from my home. They are unsightly, not screened by any trees, and last summer during growing season they emitted a terrible odor. There needs to be regulation of these businesses to preserve our property values.

Mary Hathaway Holsten

Sent from my iPhone

Matt Martin

From: Matt Martin
Sent: Wednesday, March 09, 2016 9:37 AM
To: Matt Martin
Subject: RE: Is Regulation of Commercial Marijuana Growing Allowed
Attachments: Enrolled SB 1598.pdf

Good Morning Jim-

(Bcc: MAC Members)

The Oregon Legislature recently passed SB 1598 (attached). Section 4. (1)(g)(2) of the legislation provides opportunity for local jurisdictions to adopt reasonable regulations of marijuana related uses without being prevented by the "right to farm" protections of ORS 30.935, 215.253(1) or 633.738.

Matthew Martin, AICP
Associate Planner
Community Development Department
Deschutes County
Office: 541.330.4620/Fax: 541.385.1764
www.deschutes.org/cd

From: James Ockner
Sent: Tuesday, March 08, 2016 11:49 PM
To: MAC
Subject: Is Regulation of Commercial Marijuana Growing Allowed

Hello,

Given ORS 30.935

[Any local government or special district ordinance or regulation now in effect or subsequently adopted that makes a farm practice a nuisance or trespass
[per 30.932, nuisance or trespass includes but is not limited to actions or claims based on noise, vibration, odors, smoke, dust, mist from irrigation, use of pesticides and use of crop production substances]
or provides for its abatement as a nuisance or trespass is invalid with respect to that farm practice for which no action or claim is allowed under ORS [30.936 \(Immunity from private action based on farming or forest practice on certain lands\)](#) or [30.937 \(Immunity from private action based on farming or forest practice allowed as preexisting nonconforming use\)](#).],

how can Deschutes County adopt rules that places limits on light, noise and odor that are normal parts of growing this crop, which as far as I can tell, is afforded all the protections and privileges of any other crop? Is there a rule in the marijuana law itself that allows regulation and if so can you point me to this?

Thank you for your time,

Jim Ockner

Matt Martin

From: Matt Martin
Sent: Wednesday, March 09, 2016 9:15 AM
To: Matt Martin
Cc: Tom Anderson
Subject: FW: Bloomberg: Colorado's \$1 Billion Pot Industry Saves Towns as It Sows Mayhem

MAC and BOCC Members-

(Bcc: BOCC)

This message is being forwarded to the MAC and BOCC as requested.

Matthew Martin, AICP
Associate Planner
Community Development Department
Deschutes County
Office: 541.330.4620/Fax: 541.385.1764
www.deschutes.org/cd

From: Nick Lelack
Sent: Wednesday, March 09, 2016 9:07 AM
To: MAC
Subject: FW: Bloomberg: Colorado's \$1 Billion Pot Industry Saves Towns as It Sows Mayhem

To be forwarded to the committee and BOCC per a request from Paul Nylander.



Nick Lelack, AICP, Director
Community Development Department
117 NW Lafayette, Ave. | Bend, Oregon 97703
Tel: (541) 385-1708 | Mobile: (541) 639-5585



Enhancing the lives of citizens by delivering quality services in a cost-effective manner.

From: Paul Nylander
Sent: Wednesday, March 9, 2016 9:06 AM
To: Nick Lelack
Subject: Bloomberg: Colorado's \$1 Billion Pot Industry Saves Towns as It Sows Mayhem

Nick a GREAT article on the social costs of marijuana versus the financial gains as experienced in Colorado. Please pass onto committee members and County Commissioners! Thanks - Paul Nylander

Colorado's \$1 Billion Pot Industry Saves Towns as It Sows Mayhem Bloomberg

Taxes generated by Colorado's \$1 billion marijuana industry are keeping some struggling towns solvent even as growing numbers of high-schoolers are getting stoned at lunch, police are coping with a doubling of cannabis-related traffic deaths and doped-up tourists flock to emergency rooms. [Read the full story](#)

Shared from [Apple News](#)

Sent from my iPhone

Matt Martin

From: Matt Martin
Sent: Wednesday, March 09, 2016 1:48 PM
To: Matt Martin
Subject: FW: needs fire sprinklers; rural children deserve 1000' setback, mj business license is needed.
Attachments: Sprinklers Save Bend Research Facility in Tumalo 2-27-2016 The Source Weekly - Bend, Oregon.pdf; ATT00001.htm

MAC Members-

The following message was received via the mac@deschutes.org e-mail address.

Matthew Martin, AICP
Associate Planner
Community Development Department
Deschutes County
Office: 541.330.4620/Fax: 541.385.1764
www.deschutes.org/cd

From: Nunzie
Sent: Wednesday, March 09, 2016 11:45 AM
To: Board; MAC
Subject: mj: needs fire sprinklers; rural children deserve 1000' setback, mj business license is needed.

Greetings Commissioners and The Mac Committee
Please enter this into the marijuana record including the attachment:
Were it not for a fire sprinkler system, and alarmed smoke detection systems that were monitored last week's fire on Research Road would have incurred further damage. See The Source Weekly 3-2-2016 article attached.

I encourage you to continue your **opt out** until such time as production and processing of marijuana can be housed in the appropriate industrial facilities inside Urban Growth Boundaries that have **pressurized fire sprinkler systems**.

Bend Research incurred 1 week of lost work as a result of this fire.

Regarding marijuana regulations: Rural employees should not be put to work in any rural agricultural exempt building that is built without permits and/or is not equipped with a fire sprinkler systems
Simply being within a fire protection district does not equate to no damage.

I encourage your planning team to think about the role that our urban growth boundaries play for safely facilitating mj employment and the relevant mj retail, commercial and/or mj industrial needs - these should not be sited in rural areas, these should be inside UGB's within our County.

If you think marijuana production is so nifty for Deschutes County, then perhaps Deschutes County should be offering up its own land at an industrial park before you unreasonably litter our rural areas. Marijuana is a unique product that has unique and reasonable siting needs. **Our rural County children deserve the right to live rurally, breathe healthy air and use the school bus in front of their rural home each at least 1000' from any marijuana production, processing, retail and/or wholesale operation under the regulations you are implementing for our rural County today.**

Additionally it is reasonable to require that **Deschutes County issue a license to any marijuana business that produces, processes, retails and/or wholesales marijuana** since apparently Deschutes County nor the Deschutes County Commissioners can figure out where the OHA/OLCC's marijuana licensees are located and where your own marijuana planning documents identify there could be as many as 1800 such entities across our County.

Thank you for considering my views
Nunzie Gould



NEWS » SIDE NOTES

March 02, 2016

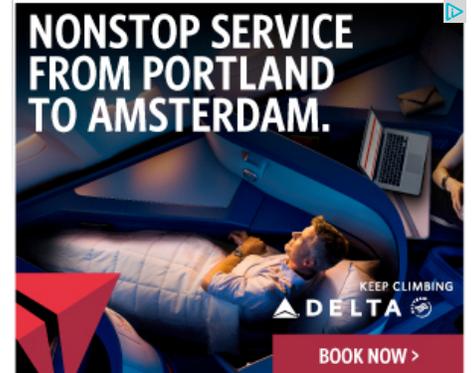
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Side Notes

BY SHERRON LUMLEY



LATEST IN

Side Notes 2/17-2/24

BY ANGELA MOORE

Sidenotes 2/10-2/17

BY CORINNE BOYER

Side Notes 2/3-2/10

BY CORINNE BOYER

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Sprinklers Save Bend

Research Facility in Tumalo Fire

TUMALO - The Bend Fire Department responded to a fire Saturday morning at Bend Research in Tumalo, Deputy Fire Marshal Dan Derlacki reported. Two engines were sent to respond to the fire with seven total personnel at 64550 Research Rd. A fire was found in a room that contained internet servers, backup systems and the main fire alarm system. Bend Research is a cutting edge research and development firm for pharmaceutical-delivery technologies. It is a division of Capsugal.

"When crews arrived and entered the building they found smoke in the hallways and water coming from the fire sprinkler system. Upon investigation it was found that a small air conditioning unit had failed and started on fire. The cause of the failure was not determined. The fire in the



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small space quickly activated the fire sprinkler head, which kept the damage to a minimum," Derlacki reported. Bend Research staff also responded to the fire.

"Working fire sprinkler and alarm systems in this building prevented this fire from spreading. This research facility has many high valuable machines and processes inside, many custom made. Just the smoke from a larger fire could have ruined these devices," said the deputy fire marshal. Bend Research's staff will return to the building on Monday.

Non-stop Redmond to Phoenix Flights Begin June 2

REDMOND – Redmond Municipal Airport (RDM) announces that American Airlines (AA) will offer direct daily service to Phoenix Sky Harbor International Airport (PHX) beginning June 2. The new non-stop flights will depart daily from RDM at 12:01 pm, arriving in PHX at 2:20 pm. Departures to RDM will leave PHX at 8:15 pm, arriving in RDM at 10:20 pm.

American will use a Bombardier CRJ-700 series aircraft with seating for up to 67 passengers, including nine reclining first class seats. Travelers may connect in Phoenix to more than 300 daily American Airlines flights to 81 destinations in four countries.

Tags: Side Notes

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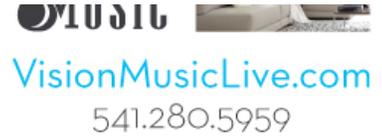
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COMMENTS

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POST COMMENT



MORE BY SHERRON LUMLEY

Bend Fire Dept. Raises \$40,000 for Leukemia and Lymphoma Society

Bend Fire Best in Oregon at 25th Annual Firefighter Stair Climb

BY SHERRON LUMLEY

Oregon Legislature Adjourns

Minimum wage increase is hallmark of 2016 legislative session

BY SHERRON LUMLEY

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Side Notes 6/10-6/17

by Erin Rook

Side Notes 2/25-3/4

by Erin Rook

Matt Martin

From: Matt Martin
Sent: Monday, March 14, 2016 9:51 AM
To: Matt Martin
Subject: FW: Hoop Houses Restrictions ASAP

MAC Members-

The following message was received via the mac@deschutes.org e-mail address.

Matthew Martin, AICP
Associate Planner
Community Development Department
Deschutes County
Office: 541.330.4620/Fax: 541.385.1764
www.deschutes.org/cd

From: Colette Critchfield
Sent: Saturday, March 12, 2016 7:14 PM
To: MAC
Subject: Hoop Houses Restrictions ASAP

Please consider at all costs that limits be strictly enforced and mandatorily placed on all Hoop Buildings being built in Deschutes County. It is important, as a resident of 40 years, that mine and others voice's be strongly considered as we are disgusted with the unsightly greenhouses beginning to dot our landscapes. It is also important that these buildings be kept from eyesight by mandatory tree and vegetation plantings as has been the policy of new construction throughout our area. All hoop houses being hastily put up now will have to retroactively comply with the new standards without any deviation to the set rules and regulations that are put in place now regarding new construction and should be imposed on hoop houses.

Respectfully,
Dr. Colette E. Critchfield
Rock Island Lane
Bend, Oregon

Matt Martin

From: Matt Martin
Sent: Monday, March 14, 2016 9:52 AM
To: Matt Martin
Subject: FW: Stronger restrictions on Hoop Houses

MAC Members-

The following message was received via the mac@deschutes.org e-mail address.

Matthew Martin, AICP
Associate Planner
Community Development Department
Deschutes County
Office: 541.330.4620/Fax: 541.385.1764
www.deschutes.org/cd

From: Galen Mertsching
Sent: Saturday, March 12, 2016 7:56 PM
To: Board; Nick Lelack; MAC
Subject: Stronger restrictions on Hoop Houses

March 13, 2016

It has come to my understanding and attention after reading a couple articles in the local newspapers that there will be a ruling on the hoop houses throughout Deschutes County

.
Having lived across the street from one of those ugly greenhouse I implore you to please not let more of these hoop houses full of marijuana to be hastily built without firm CC& Rs. in place!!!

Hoop houses dotting the environment will continue to destroy the esthetics of our beautiful county and drastically destroy property values!

A voter and retired contractor,
Galen L. Mertsching

Matt Martin

From: Matt Martin
Sent: Monday, March 14, 2016 9:53 AM
To: Matt Martin
Subject: FW: Hoop House

MAC Members-

The following message was received via the mac@deschutes.org e-mail address.

Matthew Martin, AICP
Associate Planner
Community Development Department
Deschutes County
Office: 541.330.4620/Fax: 541.385.1764
www.deschutes.org/cd

From: Liz Simpson
Sent: Sunday, March 13, 2016 9:41 AM
To: MAC
Subject: Fwd: Hoop House

Dear Marijuana Advisory Committee,

We do not fully understand how these hoop houses can be erected right on the highway, in the Landscape Management Zone, and do not have to comply with regulations that others must abide by. 17630 Knight Rd to be specific.

No restrictions on numbers, sizes, height, noise, odor, setbacks, lighting, no screening, etc. Last October, driving down Highway 20 with the car windows down, there was a distinct odor. That was when there was just one hoop house. The second is going in right now. The lack of zoning for these hoop houses is grossly unfair to the people of Deschutes County. A neighbor had to plant trees to screen his house from the highway, 1/8 to 1/4 of a mile from the highway

Property values could devalue because of this activity. It is our understanding that until the Marijuana Advisory Committee makes their decisions, these hoop houses can just continue to go up, and there is no retroactivity to comply with the new standards that are going to be set.

Our request is that these hoop houses are placed under scrutiny with zoning requirements that apply to all. Also, retroactivity to the zoning requirements for overall beautification and fairness. Putting up multiple structures because there is no one to stop you, does not make this right!!

Thank you for taking the time to listen to our concerns.

Respectfully submitted,

Mike and Liz Simpson

Matt Martin

From: Matt Martin
Sent: Monday, March 14, 2016 9:53 AM
To: Matt Martin
Subject: FW: Oregon Legislature Statement

MAC Members-

The following message was received via the mac@deschutes.org e-mail address.

Matthew Martin, AICP
Associate Planner
Community Development Department
Deschutes County
Office: 541.330.4620/Fax: 541.385.1764
www.deschutes.org/cd

From: alfalfavalleyfarms
Sent: Sunday, March 13, 2016 6:53 PM
To: MAC
Subject: Oregon Legislature Statement

MAC members,

I wanted to send in this press release from the Oregon Legislature that was issued on several of the cannabis bills. This link includes input from the Joint Committee (stated a little over a week ago). I came across it a few days ago and felt it would be helpful to send to the MAC.

<https://www.oregonlegislature.gov/housedemocrats/Documents/Cannabills%20Press%20Release.pdf>

Happy Reading!

Thanks in Advance,

Andrew Anderson

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PRESS RELEASE

For Immediate Release
March 3, 2016

For More Information, Contact:
Scott Moore (503) 986-1904
scott.moore@state.or.us

Oregon Legislature Establishes Strong Framework for Legal Cannabis and Hemp *The last of seven bills, SB 1600, passed today*

(Salem, OR) – Today the Oregon Legislature passed the last of seven bills to implement legal cannabis and hemp in an orderly, responsible way.

“The Legislature’s teamwork on cannabis and industrial hemp this session will help keep our communities safe, support creation of a strong new business sector, and protect patients’ access to medicine,” says Rep. Ann Lininger (D-Lake Oswego), Co-Chair of the Joint Committee on Marijuana Legalization.

Committee members expressed strong interest in the economic development impact of legalization in Oregon, which ArcView Market Research predicts will reach \$985.2 million by 2020.

“The legal cannabis and hemp sectors can be a good source of jobs in rural and urban Oregon,” says Rep. Carl Wilson (R-Grants Pass), Vice Chair of the committee. “The framework we created will help this new sector thrive. I’m tremendously excited by the possibilities.”

Here are highlights from the cannabis bill package that the Legislature sent to the Governor for her signature:

- **Preventing Drug Use Among Young People:** HB 4014 creates a Youth Cannabis-use Prevention Program that the Legislature has funded through a \$3.9 million appropriation.

“As a former police officer of 29 years, protecting our youth has always been an issue close to my heart. I’m thankful the Joint Committee on Marijuana Legalization has taken the necessary steps to protect our youth from illegal cannabis activity,” says Rep. Andy Olson (R-Albany).

- **Right-Sizing Penalties for and Allowing Expungement of Minor Offenses:** HB 4014 and SB 1598 continue legislative work to right-size penalties for people who have committed cannabis-related offenses and expand expungement opportunities, reflecting voters’ decision to end cannabis prohibition.
- **Helping Legal Businesses Create Jobs and Thrive:**
 - Creating a micro-canopy license program to help small farmers participate in the regulated market: HB 4014 and SB 1598;

- Eliminating the need for costly, redundant regulation by allowing co-location of adult-use and medical cannabis businesses: SB 1511;
 - Helping legal businesses access the capital they need to launch and grow by removing penalties in Oregon law that discourage banks from serving legal cannabis businesses, and by eliminating a requirement that investors have lived in Oregon for two years: HB 4094 and 4014; and
 - Supporting launch of the industrial hemp sector and preventing cross-contamination between hemp and cannabis crops: HB 4060.
- **Protecting Patients' Access to Medicine by**
 - Enabling patients to buy cannabis products tax-free: SB 1601;
 - Allowing veterans with a qualifying condition to obtain medical cards at a reduced price: HB 4014; and
 - Authorizing creation of a nonprofit license that would enable provision of medicine to low-income OMMP patients at no charge: SB 1598.

“It’s crucial to protect patients’ access to the medicine they need. I think the nonprofit license and other steps we took will help to do that,” says Rep. Peter Buckley (D-Ashland).

The Legislature’s work on legal cannabis and hemp has been a point of strong bipartisan teamwork, with each of the Joint Committee’s bills receiving unanimous committee support.

"Over the last fourteen months, this Joint Committee has become a good team," says Committee Co-Chair Sen. Ginny Burdick (D-Portland). “The respect and mutual trust we have built will help us solve other tough problems together going forward.”

Strong community interest in legalization spurred robust community input in the legislative process.

“We sought out input from a wide range of rural and urban patients, farmers, businesses, and advocates,” said Rep. Ken Helm (D-Beaverton). “I think that shows in the strong set of bills the Committee produced.”

###

Matt Martin

From: Matt Martin
Sent: Monday, March 14, 2016 9:54 AM
To: Matt Martin
Subject: FW: Implications of Marijuana Growing

MAC Members-

The following message was received via the mac@deschutes.org e-mail address.

Matthew Martin, AICP
Associate Planner
Community Development Department
Deschutes County
Office: 541.330.4620/Fax: 541.385.1764
www.deschutes.org/cd

-----Original Message-----

From: dmarr
Sent: Monday, March 14, 2016 1:27 AM
To: MAC
Subject: Implications of Marijuana Growing

A "can of worms" has been opened with the approval of growing recreational marijuana in Central Oregon. Our greenhouses have been used to grow herbs, flowers and food with no objections from neighbors. However, there was no odor, grow lights or excessive use of water. Marijuana is a drug and should be closely regulated as such. Please consider the impact of neighbor to be against neighbor in the growing of a federally prohibited substance on our beautiful, small acreages.

Dianne Marr

Matt Martin

From: Matt Martin
Sent: Tuesday, March 15, 2016 8:10 AM
To: Matt Martin
Subject: FW: Marijuana producers

MAC Members-

The following message was received via the mac@deschutes.org e-mail address.

Matthew Martin, AICP
Associate Planner
Community Development Department
Deschutes County
Office: 541.330.4620/Fax: 541.385.1764
www.deschutes.org/cd

From: Richard Lyons
Sent: Monday, March 14, 2016 8:50 PM
To: MAC
Subject: Fwd: Marijuana producers

Sent from my iPad

Begin forwarded message:

From: Richard Lyons
Date: March 14, 2016 at 7:45:38 AM PDT
To: board@deschutes.org
Subject: Marijuana producers

Dear Board Members, County, Development Director, Marijuana Advisory Committee

Can you please look into the disturbing construction and activity across from our association. There is a disagreeable issue of sight and smell, having to do with the marijuana production. The smell flows across hwy 20 and over to Rock Island Lane. Can you please help alleviate the troubling situation. Regulations need to be put into effect, and retroactively if protection is to be afforded.

Richard Lyons
Rock Island Lane

Sent from my iPad

Matt Martin

From: Matt Martin
Sent: Wednesday, March 16, 2016 9:52 AM
To: Matt Martin
Subject: FW: MAC

MAC Members-

The following message was received via the mac@deschutes.org e-mail address. This message, sent from a MAC member, should be treated as informational only. Please do not respond or engage except at the MAC meeting to avoid potential violation of public meeting laws.

Matthew Martin, AICP
Associate Planner
Community Development Department
Deschutes County
Office: 541.330.4620/Fax: 541.385.1764
www.deschutes.org/cd

From: Matt Cyrus
Sent: Monday, March 14, 2016 2:11 PM
To: MAC; Matt Martin
Cc: Matt Cyrus
Subject: MAC

Dear MAC members,

The Exclusive Farm Use (EFU) zone has been in effect in Deschutes County since the 1980s. Right to Farm was enacted in the 1990s to recognize the industrial nature of commercial agriculture and to protect farmers from neighbors' nuisance complaints regarding their farm practices. The Right to Farm ordinance was designed to be prospective in nature and anticipated changes in technology and cropping. It was meant to put anyone moving into a farming community on notice that the farm next door had the absolute right to farm commercially and that it might be noisy, dusty, smell bad, and be done at all hours of day or night. It is unfortunate that a number of people, either weren't aware of the allowances within the zone or didn't take the Right to Farm warning seriously. I'm guessing that few people living in rural areas realize that any EFU zoned farm, regardless of size, has the right, at any time, to build a hog farm, dairy, or feedlot next door, or raise mint, garlic, or onions without setbacks or odor controls.

In light of the EFU and Right to Farm protections, it would be more appropriate to place setbacks on homes instead of greenhouses. However, in the interest of being good neighbors and mitigate impacts on neighbors near Oregon's newest agricultural crop, I would suggest the MAC consider the following as reasonable restrictions as allowed by statute:

1. In EFU zones
 - a. Odor control standards for both indoor and outdoor growing operations (as we recommended).
 - b. Night sky lighting compliance with no visible (from property line) grow lights as we recommended.
 - c. Compliance with county noise ordinance for commercial/industrial operations.
 - d. 50' setback from property lines
 - e. 200' setback from neighboring homes built prior to January 1, 2016
 - f. 10 acre minimum for Tier 1 recreational grow

- g. 20 acre minimum for Tier 2 recreational grow
 - h. Recommend that BOC and Planning Commission take steps to re-zone all EFU parcels smaller than 10 acres in size since these are smaller than the minimum recommended size for commercial agriculture of this nature.
 - i. Allow a waiver of the above restrictions if the parcel size is such that the growing operation can be sited in such a way that it poses no nuisance to neighboring properties, or, if affected neighboring properties sign a waiver allowing removal or reduction of restrictions.
2. In MUA and forest zones
- a. Allow as a Conditional Use with the same restrictions as in EFU

I recognize the MAC is working on "reasonable regulations" for production of recreational marijuana. SB 1598 created a carve-out for Right to Farm for production, but I'm wondering how the last sentence in ORS 215.213 (u) impacts what regulations we can impose on processing.

"ORS 215.213 (u) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry or poultry products pursuant to ORS 603.038. If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use. A processing facility or establishment must comply with all applicable siting standards but the standards may not be applied in a manner that prohibits the siting of the processing facility or establishment."

Sincerely,

Matt Cyrus

Matt Martin

From: Matt Martin
Sent: Wednesday, March 16, 2016 4:15 PM
To: Matt Martin
Subject: FW: Marijuana Businesses

MAC Members-

The following message was received via the mac@deschutes.org e-mail address.

Matthew Martin, AICP
Associate Planner
Community Development Department
Deschutes County
Office: 541.330.4620/Fax: 541.385.1764
www.deschutes.org/cd

From: Greg Knudsen
Sent: Wednesday, March 16, 2016 12:15 PM
To: MAC
Subject: Marijuana Businesses

Dear Committee Members,

Please continue the moratorium on marijuana businesses in rural Deschutes county and let voters decide in November. We have no problem with marijuana growers or the cultivation of their product, our issue lies with the unsightly hoop houses they are erecting all over, especially in the Landscape Management (LM) Combining Zone along Highway 20.

Two very large greenhouses have recently been erected across Highway 20 from our home. They are unsightly, not screened by any trees, and apparently don't fall under the Landscape Management (LM) Combining Zone regulations...which is baffling . We own a beautiful home and barn hundreds of yards from the highway and are subject to these regulations, yet these very intrusive and unsightly structures are allowed to be built with 100 feet of the highway....this makes no sense. There needs to be some regulation of this business to preserve our property value.

Also please make new regulations requiring these recently installed greenhouses (hoop houses) to retroactively comply with all standards and limits set. These have been hastily installed using legal loopholes without regard to their neighbors.

Respectfully,

 Greg Knudsen CPC
President
Pacific Coast Hospitality

www.pacificcoasthospitality.com



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please notify the sender immediately by replying to the address listed in the "From:" field.

Matt Martin

From: Matt Martin
Sent: Friday, March 18, 2016 8:39 AM
To: Matt Martin
Subject: FW: Marijuana Greenhouses

MAC Members-

The following message was received via the mac@deschutes.org e-mail address.

Matthew Martin, AICP
Associate Planner
Community Development Department
Deschutes County
Office: 541.330.4620/Fax

From: Terry Evans
Sent: Thursday, March 17, 2016 4:15 PM
To: Board
Cc: Nick Lelack; MAC
Subject: Marijuana Greenhouses

We know they are legal.
We know they can put in as many as they want.

We have serious concerns.

This is a cash crop.
It is against federal laws and no bank will receive money from marijuana businesses.

What type of security will the growers provide?

Will there be armed guards, guard dogs, lights on all night??

Will there be continuous grow lights all night?

Will fans be running all night?

Will they put filters in to stop the stench of the marijuana plants?

The light, noise and smell of pollution will destroy our rights and ability to sit outside at night and star gaze, enjoy the sounds of the coyotes and owls and the the smells of the juniper and sage.

Will our windows have to be closed all the time because there won't be clean air to breathe?

BIG QUESTION?????????

Our property values WILL be devalued along with our quality of life.
They have gone up directly across HWY 20 from us, 4 within 1/4 mile to
our left and several to our right.
No one will want to raise their family in the middle of these crops.

WILL THE COUNTY LOWER OUR PROPERTY TAXES ????

Respectfully submitted,

Ginger&Terry Evans

Matt Martin

From: Matt Martin
Sent: Thursday, March 24, 2016 9:50 AM
To: Matt Martin
Subject: FW: Marijuana Grow Operations in Deschutes County

MAC Members-

The following message was received via the mac@deschutes.org e-mail address.

Matthew Martin, AICP
Associate Planner
Community Development Department
Deschutes County
Office: 541.330.4620/Fax

-----Original Message-----

From: Doug Holsten
Sent: Friday, March 18, 2016 6:38 PM
To: MAC
Subject: Marijuana Grow Operations in Deschutes County

To: Marijuana Advisory Committee: mac@deschutes.org
From: Douglas Holsten, Rock Island Ln, Bend, OR 97703

I am writing to you today to ask that you please act to recommend continued moratorium on marijuana grow businesses in rural Deschutes county so that voters have a say in this issue in the near future. I am also asking for prompt input to the County on development of meaningful regulation of Marijuana grow operations in a way that protects all citizens and property owners.

Marijuana grow operations are clearly gearing up in my area and it is also very clear that there are a number of unintended consequences to this new industry. Two very large greenhouses ("hoop houses") have been recently erected within ¼ mile of my home. They impact the value my property due to their objectionable visual impact. Once operational, I am concerned the impact of these facilities will go beyond just the visual impact and include noise, odor, and night-time photo-pollution. These unsightly hoop houses are located within approximately 200 feet of Highway 20 and are clearly visible from the roadway.

My inquires with County staff indicate that there are absolutely zero requirements for these hoop houses, even though some are significant structures with structural elements (e.g., several thousand square feet in size, concrete foundations, steel support members, etc.). I also understand these hoop houses are exempt from County permits and therefore do not need to comply in any way with the Land Management Combining Zone (LM Zone) requirements for the Highway 20 corridor. As you are likely aware, the purpose of the LM Zone is to "protect and enhance scenic vistas as seen from designated roads and rivers." The greenhouses I am familiar with along Highway 20 could not be more at odds with the intent of the LM Zone. This is simply a giant loophole in county regulations and it needs to be addressed.

Regulation of the emerging Marijuana growing industry is necessary to preserve the privacy and value of surrounding properties. I urge you to act promptly to recommend appropriate regulations for these operations. At a minimum, the

following need to be considered: size and number of structures relative to property size, setbacks, lighting, odor control, noise control, and visual screening.

Finally, I am sure you understand that the marijuana grow operators are taking advantage of the current regulation vacuum. Grow facilities are being erected now in the absence of any meaningful development and operational requirements. To that end, I urge you to recommend retroactive compliance with the requirements of future regulations.

Thank you,
Douglas Holsten
Rock Island Lane
Bend, OR 97703

Matt Martin

From: Matt Martin
Sent: Thursday, March 24, 2016 9:52 AM
To: Matt Martin
Subject: FW: Marijuana Advisory Committee

MAC Members-

Nick requested this message be forwarded to you.

Matthew Martin, AICP
Associate Planner
Community Development Department
Deschutes County
Office: 541.330.4620/Fax: 541.385.1764
www.deschutes.org/cd

From: Nick Lelack
Sent: Monday, March 21, 2016 5:03 PM
To: MAC
Subject: FW: Marijuana Advisory Committee

Please forward to the MAC.



Nick Lelack, AICP, Director
Community Development Department
117 NW Lafayette, Ave. | Bend, Oregon 97703
Tel: (541) 385-1708 | Mobile: (541) 639-5585



Enhancing the lives of citizens by delivering quality services in a cost-effective manner.

From: Sullivan, Kevin N
Sent: Monday, March 21, 2016 4:31 PM
To: Nick Lelack
Cc: Mills, David; Davis, Greg; Sullivan, Kevin N; MEDINA, LARRY; Randy Scheid
Subject: Marijuana Advisory Committee

RE: DESCHUTES COUNTY MARIJUANA ADVISORY COMMITTEE

Nick Lelack, Community Development Director:

I had the opportunity to speak with our regional NFPA representative last week at the Oregon Fire Marshals Association. It is worth noting that NFPA is currently working to develop a standard for the processing of marijuana, and albeit speculation at this point, this standard will likely function as a nationally recognized best-practice document.

As you may know, NFPA or the National Fire Protection Association is the agency responsible for many standards referenced by the Oregon Fire Code. These standards are created from a consensus process represented by industry, end users, and fire & life-safety stakeholders. This process is not unlike that of the Deschutes County Marijuana

Advisory Committee. The Oregon Fire Code (OFC) makes requirements, such as the requirement for automatic fire sprinkler systems in certain types of buildings, however, it references an NFPA standard for the specific means and methods for how these systems are to be installed –in this case it would be NFPA 13, *Standard for the Installation of Sprinkler Systems*.

When considering how to craft language at the local level for the regulation of marijuana processing, I wanted to pass along the following passage from the **2014 Oregon Fire Code, Section 102.8 Subjects not regulated by this code** states: *Where no applicable standards or requirements are set forth in this code, or are contained within statutes or administrative rules adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards, as approved, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the fire code official to determine compliance with codes or standards for those activities or installations within the fire code official's jurisdiction or responsibility.*

As we have discussed, the scope of the fire code official/fire marshal is to apply the Oregon Fire Code in a maintenance capacity for the operational hazards associated with processing, regardless of what that processing entails. Furthermore, the scope of the fire code official/fire marshal extends to providing council or input to the building official as it involves water supply for firefighting purposes and for emergency fire apparatus access to these facilities.

I encourage any language crafted at the local level to defer to the current, adopted Oregon Fire Code and any nationally recognized standards, such as those from NFPA.

Thanks,

Kevin Sullivan
Deputy State Fire Marshal
Oregon Office of State Fire Marshal
Oregon State Police
Office 541.330.8240
Cell 503.559.8551
kevin.sullivan@state.or.us
www.oregon.gov/osp/sfm
Premier Public Safety Services



Matt Martin

From: Nick Lelack
Sent: Thursday, March 24, 2016 9:51 AM
To: 'Sam Davis'
Cc: Matt Martin
Subject: RE: Adoption of a County Marijuana Business License Similar to the City of Bend's Marijuana Business Operating license

Thanks Sam.

bcc: MAC, Board

This is something the MAC may consider recommending to the Board, and then the Board can consider whether to create such a program, which would be a first for Deschutes County.



Nick Lelack, AICP, Director
Community Development Department
117 NW Lafayette, Ave. | Bend, Oregon 97703
Tel: (541) 385-1708 | Mobile: (541) 639-5585



Enhancing the lives of citizens by delivering quality services in a cost-effective manner.

From: Sam Davis
Sent: Wednesday, March 23, 2016 7:40 AM
To: Nick Lelack; Matt Martin
Cc: MAC; Board
Subject: Adoption of a County Marijuana Business License Similar to the City of Bend's Marijuana Business Operating license

Nick/Matt:

We have discussed many issues around knowing where marijuana grows are located, enforcement, enforcement and administrative costs, tracking the grows, compliance, legal access to marijuana facilities for enforcement/inspection, ...

We should seriously consider adopting a County Business license similar to the one that I believe the City of Bend has adopted. It includes:

- A 1 year license requirement for any marijuana business (medical and recreational grows, dispensaries, retail stores, processing sites, ...) that would allow all marijuana businesses to be tracked by the county.
- A annual license fee to support the tracking, enforcement, and administrative costs.
- A section on 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.

It also includes language on other items that may or may not be covered in our TPM requirements.

- Hours of Operation
- Building requirements
- On-site consumption
- Display
- Security
- Disposal

This could resolve many of the issues we have discussed.

<<...>>

Sam Davis



CITY OF BEND

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

Matt Martin

From: Matt Martin
Sent: Thursday, March 24, 2016 9:55 AM
To: Matt Martin
Subject: FW: Cannabis Revenue for State of Oregon
Attachments: Cannabis Revenue for State of Oregon.pdf

Greetings-

(Bcc: MAC, Board)

I am forwarding this message as requested by Glenn Kotara, MAC member.

Matthew Martin, AICP
Associate Planner
Community Development Department
Deschutes County
Office: 541.330.4620/Fax: 541.385.1764
www.deschutes.org/cd

From: Glenn Kotara
Sent: Wednesday, March 23, 2016 9:25 AM
To: MAC
Subject: Cannabis Revenue for State of Oregon

Hello Matt, could you please send to the MAC members and the BOCC.
Thank you,
Glenn M. Kotara

Oregon pulls in \$3.48 million in first month from pot sales

By Taylor W. Anderson The Bulletin Published Mar 18, 2016 at 12:01AM

Oregon collected \$3.48 million in the first month of taxing recreational marijuana, outpacing early estimates made when advocates proposed legalizing the plant for adults over age 21 in 2014.

If what's happened in Washington and Colorado happens in Oregon, the Beaver State has more green days ahead.

The Department of Revenue released the January figures, the first month medical marijuana dispensaries authorized to sell recreational products began assessing a temporary 25 percent tax on sales. Medical marijuana dispensaries began selling to recreational users in October 2015, but the tax didn't apply until Jan. 4 this year.

While state officials were quick to caution that it will take time to get an accurate view of the money coming in through marijuana sales, the early estimate shows pot may be a bigger boon than initially thought for Oregon's schools and police, which receive a portion of tax revenue.

The Portland economic consulting group EcoNorthwest projected the tax on products laid out in the ballot measure would rake in \$38.5 million, not including money from fees, during the first year of sales.

That estimate was made under the Ballot Measure 91 taxing structure, before lawmakers changed it last year.

The state's estimate was much lower. The Oregon Liquor Control Commission, the agency that oversees recreational marijuana, estimates it will bring in \$10.7 million during the 2015-17 budget cycle, and another \$5.2 million in fees and licenses. After accounting for costs, the state guessed it would have \$4.4 million to spend in the 2015-17 budget cycle, and \$59.2 million in the 2017-19 cycle.

Oregon's medical marijuana dispensaries are allowed to sell pot only to recreational and medicinal users through the end of the year, and began charging the temporary 25 percent tax in January.

When recreational marijuana shops open this fall, they'll collect a 17 percent tax. Cities and counties can add another 3 percent on top of that. Medical marijuana dispensaries will stop selling to recreational users by year's end unless they get a recreational license.

The Department of Revenue won't identify where the \$3.48 million collected so far came from. The agency considers dispensaries to be individual taxpayers whose taxes are exempt from public disclosure, making it difficult to tell where marijuana sales in Oregon are occurring.

“Right now we’re just starting to look into how far we can break down the information,” said Joy Krawczyk, a Department of Revenue spokeswoman, who added state law exempts the agency from releasing taxpayer information publicly, which she said applies to dispensaries.

Bend is considering asking voters to approve a 3 percent pot tax on the ballot in November. Assistant City Manager Jon Skidmore said it would be nice to know what the city could expect to earn by delving deeper into the state’s revenue figures.

“We are trying to get an idea of what type of revenue such a tax would create,” Skidmore said.

Based on January’s sales, Oregon would bring in \$41.76 million in taxes from 2016 marijuana sales if it stays on the current trajectory. But sales in Colorado and Washington, the first two states to legalize marijuana for adult users, haven’t stayed flat. They’ve grown.

Washington has generated nearly \$150 million in taxes on marijuana since last April. The state charges a 37 percent sales tax on pot. Its sales have risen every month since shops started selling recreational marijuana in July 2014.

Cities and counties in Oregon where at least 55 percent of voters opposed Measure 91 were given a choice to opt out of allowing recreational marijuana businesses. So far, 100 mostly rural cities and counties have opted out of allowing retail shops, including Deschutes, Crook and Jefferson counties but not Redmond, Prineville or Bend.

Voters in Jefferson and Deschutes counties will be able to vote to overturn the county commissions’ decisions. In Crook County, voters would have to bring a petition to the ballot and get it passed to overturn the ban.

Ballot Measure 91 was pitched as a way to generate money for state services. Under the measure, 40 percent of revenue after costs would go to the state’s Common School Fund, 20 percent to mental health, alcoholism and drug services, 15 percent to state police, 10 percent each to cities and counties, and 5 percent to the Oregon Health Authority for alcohol and drug abuse prevention.

Local governments that don’t allow recreational marijuana stores will also miss out on the 10 percent of revenues laid out in the measure.

— Reporter: 406-589-4347,

tanderson@bendbulletin.com (<mailto:tanderson@bendbulletin.com>)

Colorado allowed to spend marijuana tax money, as voters reject refunds

TABOR requirement asks voters to decide whether the state gets to keep \$66.1 million in taxes they already have approved

PUBLISHED: NOV 3, 2015, 6:15 PM

By **John Frank**, *The Denver Post*

Updated Nov. 4, 2015 at 8:55 a.m.

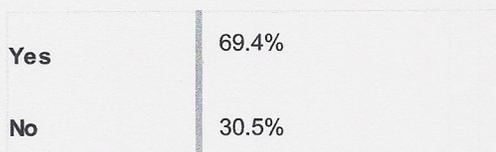
Colorado voters Tuesday overwhelmingly approved a statewide ballot measure that gives state lawmakers permission, once again, to spend \$66.1 million in taxes collected from the sale of recreational marijuana.

The outcome came as no surprise given its bipartisan backing, and election returns as of 9:40 p.m. showed Proposition BB receiving about 69 percent support, well above the majority-vote threshold, according to returns from counties.

The secretary of state website incorrectly reported the first returns — getting the results backward, officials confirmed.

2015 ELECTION RESULTS

BB Retain Revenue



[Complete election results »](#)

The measure sends the first \$40 million to school construction and \$12 million designated for youth and substance-abuse programs. The remaining \$14.1 million goes to discretionary accounts controlled by lawmakers.

The ballot question was the third time in four years that voters considered how to spend pot taxes, after approving Amendment 64 in 2012 to legalize marijuana and Proposition AA in 2013 to levy sales and excises taxes. In both prior ballot questions, voters sanctioned sending \$40 million toward school construction.

“These election results shouldn’t surprise anyone,” said Sen. Pat Steadman, the Denver Democrat who authored the measure. “Voters have twice indicated they wanted marijuana to be taxed, and the vote just reaffirms that for a third time.”

Tuesday’s vote became necessary after fiscal analysts underestimated how much revenue the state would collect without the new tax in the fiscal year ending June 30, 2015.

The projection is required in the tax's first year by the Taxpayer's Bill of Rights, and the mistake mandated a refund unless lawmakers won voter approval to spend it.

If the measure failed, taxpayers would have received a \$25 million rebate — ranging from \$6 to \$16 per person, depending on income level — and another \$41 million would return to marijuana growers and recreational users through tax breaks.

The question generated little attention in the off-year election, reflecting the limited controversy on the measure in the General Assembly earlier this year. Only 23 of 100 lawmakers voted against the bill, all Republicans.

“We are just fulfilling the promises that were made when Amendment 64 was passed,” said state Rep. Polly Lawrence, R-Douglas County, in a recent interview.

The “Vote Yes on Prop BB” campaign anticipated raising about \$14,000 but didn't spend any money on advertisements or mass mailers.

The “No on Prop BB/No on Excess Government” committee didn't collect any money.

But critics — including Americans for Tax Reform, a Washington, D.C.-based group — sought to label the question as a “tax increase,” adding a political tint to the issue.

The Independence Institute, a limited government advocacy organization based in Denver, also raised questions about how the money would be spent, suggesting it could be unsustainable.

“The original proponents of Amendment 64 were very clever ... to tie pot taxes to school construction, even though the two have zero to do with each other,” said Mike Krause at the Independence Institute. “It made it an easy choice for a lot of voters.”

However, Krause said the vote “shows a degree of inconsistency on how people feel about TABOR, because most TABOR overrides, at least statewide, don't do well.”

John Frank: 303-954-2409, jfrank@denverpost.com or @ByJohnFrank

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Aurora expects pot revenue to double in 2016; funds set for special projects

PUBLISHED: SEP 14, 2015, 5:55 PM

By **Carlos Illescas**, *The Denver Post*

Revenue from marijuana sales in Aurora is expected to more than double next year compared to this year, as a handful of pot cultivation facilities and retail shops are slated to open in 2016.

Aurora city officials are forecasting \$5.4 million in revenue from recreational marijuana sales for 2016, according to budget officer Greg Hays. That's up from \$2.65 million this year and \$40,000 in 2014, the first year Aurora allowed pot sales.

"We're brand spanking new into it," said Hays of the city's projection of more than double in revenue from 2015.

Recreational marijuana sales in Aurora started in October 2014 but only a few stores opened initially. By the end of this year, 12 more are expected to open and six more in 2016.

Aurora marijuana

[Paying more for pot: Controversial Adams County pot sales tax in effect starting July 1](#)

[Status report: Retail pot is hot in Aurora, one of Colorado's biggest cities](#)

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Money from marijuana sales and taxes will not be used to balance the general operating fund. Instead, the money will be earmarked for several "one-time" uses.

The City Council recently boiled the list down to four projects or uses. The largest chunk, more than \$4 million, will go to road improvements. About \$1.5 million will go toward battling the homeless problem in Aurora, but specifics on where that money will go has not yet been identified.

About \$680,000 will be set aside for city nonprofits, which are currently funded through revenue from red-light cameras. There is a fear that money stream could dry up if they are banned by the legislature.

Some \$2 million will be used to issue bonds for the creation of a new recreation center in southeast Aurora.

"We wanted to be able to show citizens that we are having a positive impact on the community and point to specific projects or initiatives to where that money is going to," said Aurora City Councilman Bob Roth, who was chairman of the city's recreational marijuana committee.

In 2017, the city estimates nearly \$6.4 million in pot revenue. But once all of the allotted recreational marijuana licenses are issued — the number is capped at 24 — revenue from pot is expected remain flat from 2018-2020. That's unless the city at some points decides to allow more than 24 pot shops to open in Aurora.

Carlos Illescas: 303-954-1175, cillescas@denverpost.com or twitter.com/cillescasdp

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Colorado's February pot taxes provide \$2.1M for schools

PUBLISHED: APR 10, 2015, 2:49 PM

By **Ricardo Baca**, *The Cannabist Staff*

Colorado sold a record amount of recreational marijuana in February 2015, according to new data released by the state on Friday.

Around \$39.2 million of recreational cannabis was sold in state shops in February, according to calculations based on data provided by the Colorado Department of Revenue. The previous monthly record for recreational sales was January 2015's \$36.4 million.

Much of that growth comes from additional shops opening up in still-new recreational cities, including Aurora, Colorado's third most populous city that only started selling retail pot last October, experts say.

"We just opened the ninth store in Aurora," said Meg Collins, vice president of business development for Good Chemistry, which operates a shop in central Denver and its brand-new flagship store in Aurora (in addition to being part-owners of Denver shop Wellspring). "The activity in Aurora has helped boost those sales and tax numbers, and people are also getting more comfortable with purchasing legally, knowing that it's available and becoming a bit more mainstream, and that's helping sales, too.

"And anything that helps legal sales helps erode the black market."

Colorado's total medical marijuana sales in February 2015 added up to about \$29.3 million, up more than \$1 million from the previous month. The record for medical marijuana sales in Colorado's recreational era, which started Jan. 1, 2014, came in February 2014 when \$36 million in medical pot was sold.

Another important indicator in Colorado's complex pot taxes is the amount dedicated for public schools, and that monthly total was more than \$2 million for the second consecutive month in February. In January, the excise tax on wholesale marijuana transfers raised more than \$2.3 million for schools, and in February it totaled \$2.1 million.

The monthly excise taxes earmarked for school construction capital never topped \$2 million in 2014, the first year of recreational pot sales in Colorado.

In 2014, Colorado sold nearly \$700 million of pot — \$385.9 million for medical marijuana and \$313.2 million for recreational cannabis. Projections based on the first two months of 2015's recreational and medical numbers suggest that Colorado will sell more marijuana, and collect more in pot-related taxes, in 2015 than the state did in 2014.

Sales stats for Colorado weed

A month-by-month look comparing sales of recreational and medical marijuana

State of Colorado
Marijuana Taxes, Licenses, and Fees Transfers and Distribution
January 2016 Sales Remitted in February 2016

Line	February 2016 Remitted	February 2015 Remitted	Change		Year-to-Date FY2015-16	Year-to-Date FY2014-15	Change	
			\$	%			\$	%
TAXES								
1	\$ 2,482,086	\$ 1,808,419	\$ 673,667	37.3%	\$ 20,412,227	\$ 14,028,297	\$ 6,383,929	45.5%
2	897,973	785,792	112,181	14.3%	8,044,068	6,889,851	1,154,218	16.8%
3	1,584,113	1,022,627	561,486	54.9%	12,368,158	7,138,447	5,229,712	73.3%
4	\$ 5,213,363	\$ 3,547,864	\$ 1,665,499	46.9%	\$ 42,119,843	\$ 24,889,308	\$ 17,230,535	69.2%
5	778,816	524,468	254,348	48.5%	6,332,934	3,724,019	2,608,915	70.1%
6	4,413,310	2,971,998	1,441,312	48.5%	35,886,452	21,102,887	14,783,565	70.1%
7	21,237	51,398	(30,161)	-58.7%	(99,543)	62,403	(161,946)	-259.5%
8	\$ 3,671,875	\$ 2,349,219	\$ 1,322,656	56.3%	\$ 25,062,850	\$ 12,675,380	\$ 12,387,470	97.7%
9	3,682,750	2,332,843	1,349,907	57.9%	25,050,760	12,623,379	12,427,381	98.5%
10	-	-	-	-	-	-	-	-
11	(10,874)	16,376	(27,250)	-166.4%	12,090	52,001	(39,911)	-76.8%
12	\$ 11,367,325	\$ 7,705,502	\$ 3,661,822	47.5%	\$ 87,594,919	\$ 51,592,985	\$ 36,001,934	69.8%
LICENSES AND FEES								
13	\$ 1,099,292	\$ 1,096,793	\$ 2,500	0.2%	\$ 10,147,069	\$ 9,779,391	\$ 367,677	3.8%
14	716,819	738,723	(21,904)	-3.0%	6,436,459	6,236,541	199,917	3.2%
15	382,120	358,070	24,050	6.7%	3,710,256	3,542,850	167,406	4.7%
16	354	-	-	N/A	354	-	-	N/A
TAXES, LICENSES, AND FEES TOTALS								
16	\$ 7,994,688	\$ 5,877,210	\$ 2,117,478	36.0%	\$ 66,445,747	\$ 44,910,575	\$ 21,535,172	48.0%
17	\$ 12,466,617	\$ 8,802,295	\$ 3,664,322	41.6%	\$ 97,741,988	\$ 61,372,376	\$ 36,372,376	41.6%

* Indicates those receipts that have posted to the accounting system but have not yet been reconciled to the relevant sales/excise tax return. These receipts may affect the precision of the calculations to transfer or distribute the sales/excise taxes to their proper disposition.

** May not sum to total due to rounding.

Source: Colorado Department of Revenue
 Prepared by: Office of Research and Analysis, dor_ora@state.co.us

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