



Community Development Department

Planning Division Building Safety Division Environmental Soils Division

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MEMORANDUM

TO: Deschutes County Board of Commissioners

FROM: Matthew Martin, Associate Planner
Nick Lelack, Community Development Director

DATE: December 18, 2015

SUBJECT: Deliberations – Marijuana Related Business Regulations, County Land Use File No. 247-15-000542-TA (Supplemental Staff Report)

I. SUMMARY

The purpose of this brief supplement staff report is to follow up on the reasonable time, place, and manner policy issues and questions in the original staff report pertaining to water.

10. Should the requirement pertaining to “proof from the water master that proposed water supply complies with all applicable local, state, and federal laws” be adopted as proposed or as modified by the Board?

Staff is continuing to coordinate with the Oregon Water Resources Department on the appropriate language to reflect the intended requirement. The language will be received after the submittal of this memorandum and supporting documents for the Board’s packet. Staff will provide the information separately.

II. DISCUSSION

The Community Development Department staff has discussed and coordinated with the Oregon Water Resources Department (OWRD) to determine if or how the Planning Commission’s recommended requirement to require “proof from the water master that proposed water supply complies with all applicable local, state, and federal laws” may be achieved.

According to OWRD, local jurisdictions do not have land use jurisdiction to regulate water. In addition, OWRD cannot confirm or provide proof that the proposed water supply complies with federal laws because the agency does not have jurisdiction.

Options for the Board's consideration:

Options 1-3 below achieve the same goal of compliance with Oregon water law (ORS 536, 537, 540).

1. Adopt the Board's initial proposal:

The applicant shall submit proof of a water right for the proposed marijuana production or marijuana processing, or proof of access to a public or community water system.

2. Do not adopt regulations pertaining to water supply verification; defer to the OLCC licensing process and requirements.

3. Adopt Clackamas County's language:

841.03(J) Water. The applicant shall submit:

- 1) A water permit or certificate number for the proposed marijuana production or marijuana processing;
- 2) A statement that water is supplied from a public or private water provider, along with the name and contact information of the water provider; or
- 3) Proof from the Oregon Water Resources Department that the water to be used for marijuana production or marijuana processing is from a source that does not require a water right.

4. Adopt the Planning Commission's recommendation as proposed or modified, and continue to work toward a process to achieve compliance with federal water law prior to January 4, 2016.

5. Other.