

Board of County Commissioners
Public Hearing to Consider:

HB 3400
Opt Out of Marijuana Businesses
in Unincorporated Areas
(outside cities)



AUGUST 12, 2015

HEARING FORMAT

- Public hearings at 10:00 a.m. and 5:30 p.m. today
- The hearings will be conducted in the following order:
 1. Staff will provide a presentation.
 2. Public hearing (testimony).
 3. Board to continue or close the public hearing.
 4. Board to deliberate and decide whether to adopt an ordinance to opt out some/all marijuana businesses at a future public meeting.



BACKGROUND

- Electors of Oregon passed Ballot Measure 91 (recreational marijuana) in November 2014.
- 2015 Legislature enacted HB 3400 on June 30, 2015, including opt out provisions for marijuana businesses.
 - Deschutes County may opt out by adopting an ordinance within 180 days of the effective date of HB 3400 (June 30, 2015).
 - Grandfathering for existing medical processors and dispensaries that have successfully completed the local land use process (no applications submitted).



BACKGROUND

- BOCC may enact an ordinance which prohibits the establishment of any or all of the following businesses in the UNINCORPORATED AREA of Deschutes County:
 - a. Medical Marijuana processing sites;
 - b. Medical Marijuana dispensaries;
 - c. Recreational Marijuana producers (growers);
 - d. Recreational Marijuana processors;
 - e. Recreational Marijuana wholesalers;
 - f. Recreational Marijuana retailers; or
 - g. Any combination of the entities described above.



PUBLIC HEARING PURPOSE

- To receive public input on whether to enact an ordinance to opt out of marijuana businesses in unincorporated Deschutes County (outside cities).
- Why now?
 - Significant public interest. Hearing provides an opportunity for everyone to share their opinions.
 - Provide clarity to citizens, businesses, agencies, etc. on what's legal & what's not as soon as possible.
 - Inform private investment decisions.



PUBLIC HEARING PURPOSE

- This is NOT a public hearing to address:
 - Measure 91 (it's the law).
 - Marijuana businesses in the cities of Bend, La Pine, Redmond or Sisters.
 - Personal grow, use or possession of recreational marijuana.



HB 3400: A LAND USE SNAPSHOT

- **Retail Marijuana Production (“commercial grows”), as licensed by OLCC, is:**
 - **An agricultural crop that is permitted outright in the Exclusive Farm Use (EFU) Zone like any other farm crop.**
 - **Entitled to protections and duties provided under the Oregon Right to Farm Act.**
 - **Eligible for farm use deferral under Oregon property tax law like any other farm crop.**



HB 3400: A LAND USE SNAPSHOT

■ Land Use:

- Requires a Land Use Compatibility Statement (LUCS) from local government prior to OLCC's issuance of marijuana business license.
- In EFU, the law prohibits farm stands, farm commercial activities, and new farm dwellings based on marijuana crops.
- Allows counties to permit marijuana crops in farm and forest zones, similar to EFU:
 - Forest 1 & 2 Zones (F-1, F-2)
 - Multiple Use Agricultural-10 Zone (MUA-10)
 - Rural Residential-10 Zone (RR-10)



ZONING

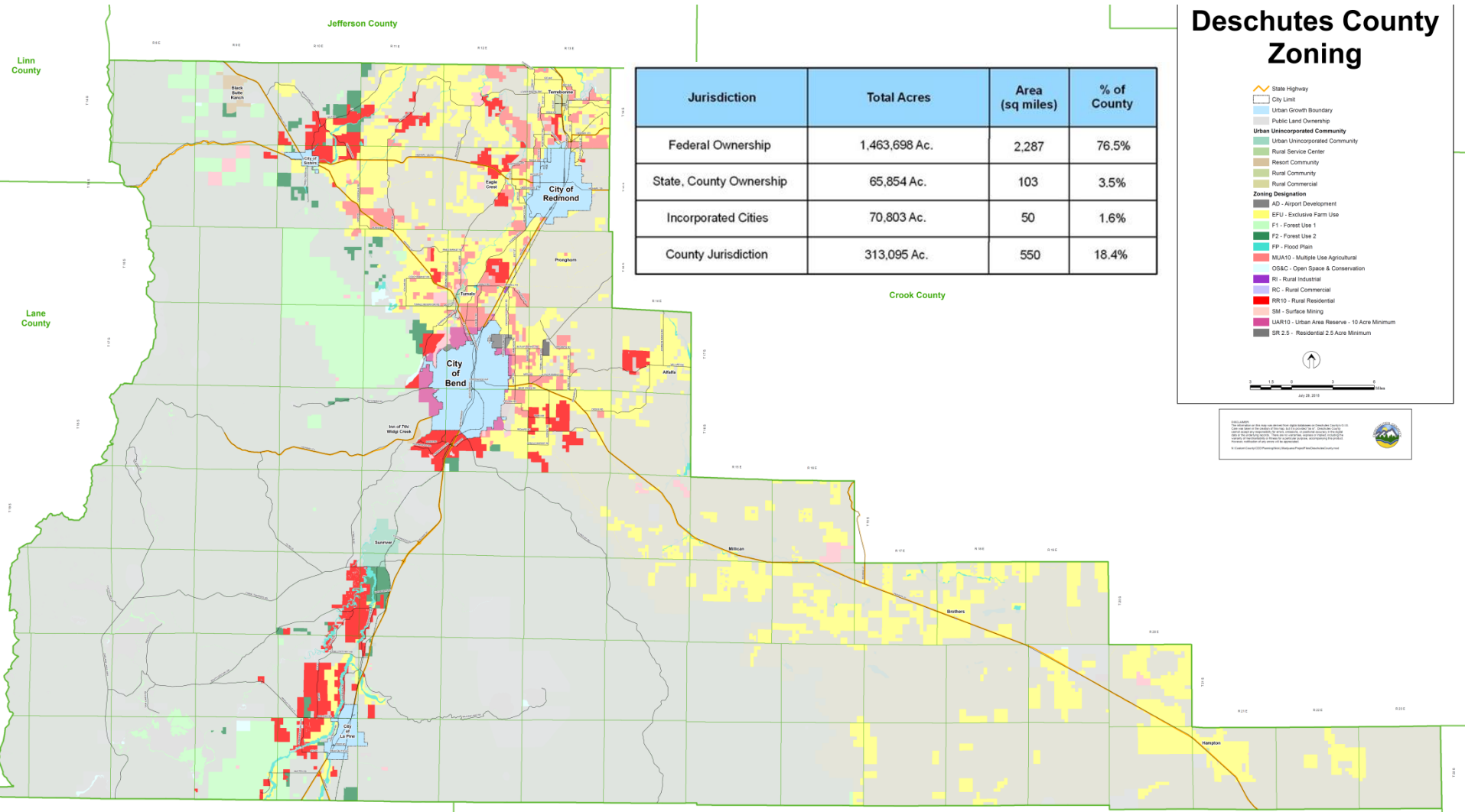
Deschutes County Zoning

Jurisdiction	Total Acres	Area (sq miles)	% of County
Federal Ownership	1,463,698 Ac.	2,287	76.5%
State, County Ownership	65,854 Ac.	103	3.5%
Incorporated Cities	70,803 Ac.	50	1.6%
County Jurisdiction	313,095 Ac.	550	18.4%

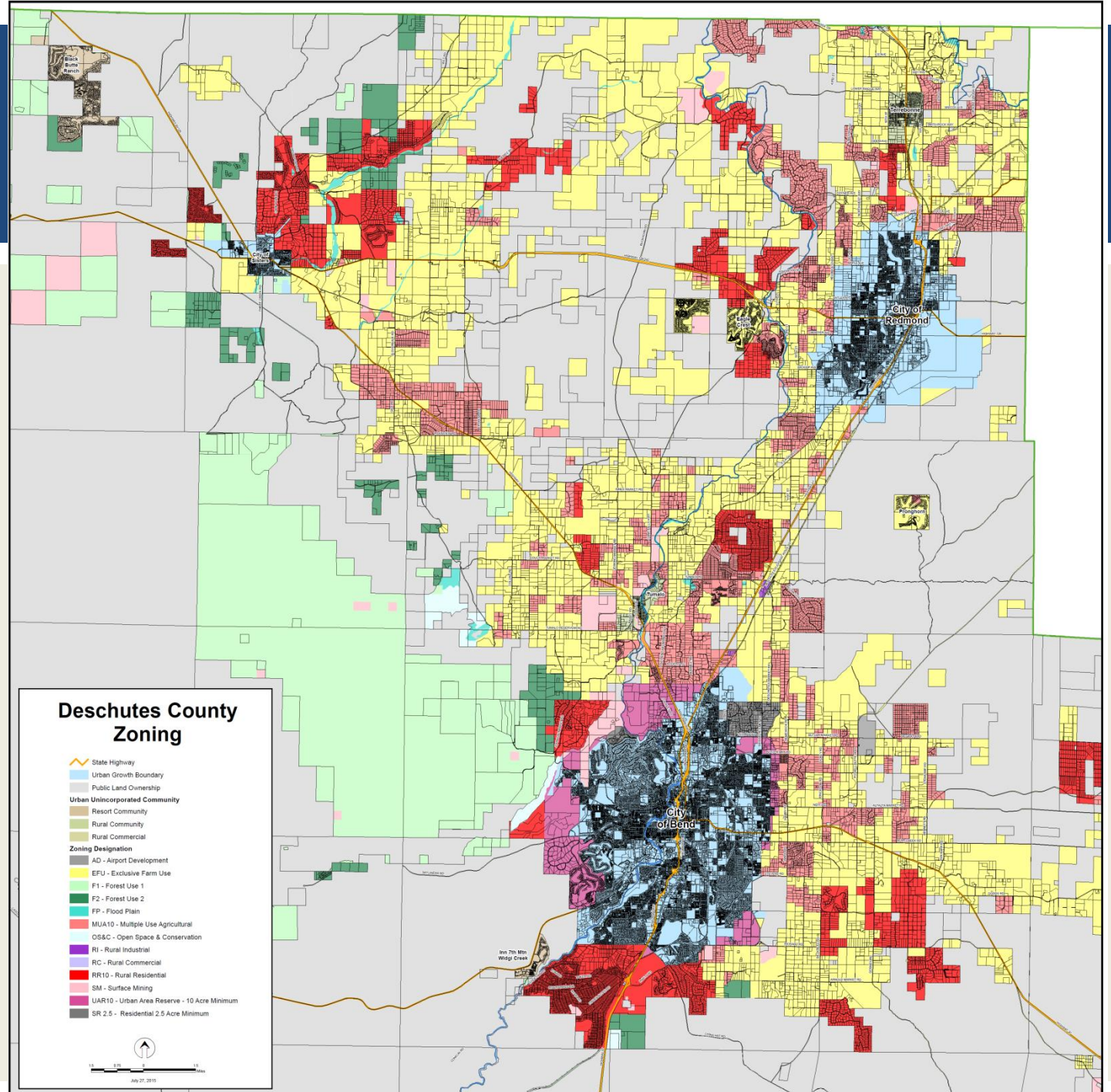
- State Highway
 City Limit
 Urban Growth Boundary
 Public Land Ownership
- Urban Unincorporated Community**
 Urban Unincorporated Community
 Rural Service Center
 Resort Community
 Rural Community
 Rural Commercial
- Zoning Designation**
 AD - Airport Development
 EFU - Exclusive Farm Use
 F1 - Forest Use 1
 F2 - Forest Use 2
 FP - Flood Plain
 MUA10 - Multiple Use Agricultural
 OSAC - Open Space & Conservation
 RI - Rural Industrial
 RC - Rural Commercial
 RR10 - Rural Residential
 SR - Surface Mining
 UA/R10 - Urban Area Reserve - 10 Acre Minimum
 SR 2.5 - Residential 2.5 Acre Minimum



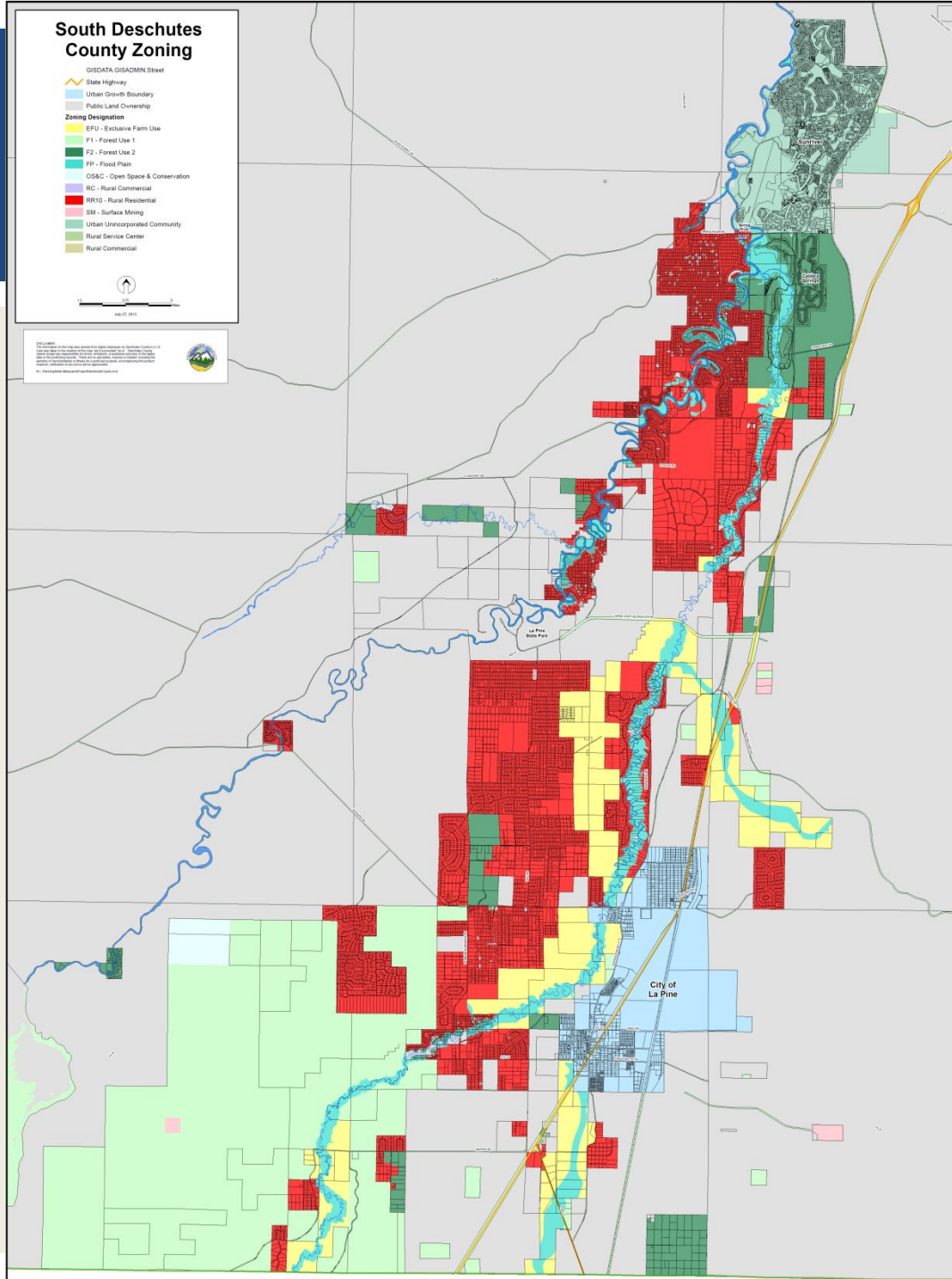
DESCHUTES COUNTY ZONING MAP
 This map was prepared by the Deschutes County Planning Department as part of the 2015 Comprehensive Zoning Ordinance update. It is intended to provide a visual representation of the zoning designations for the county. The map is not to be used for legal purposes. For more information, please contact the Deschutes County Planning Department.



ZONING



ZONING



ZONING

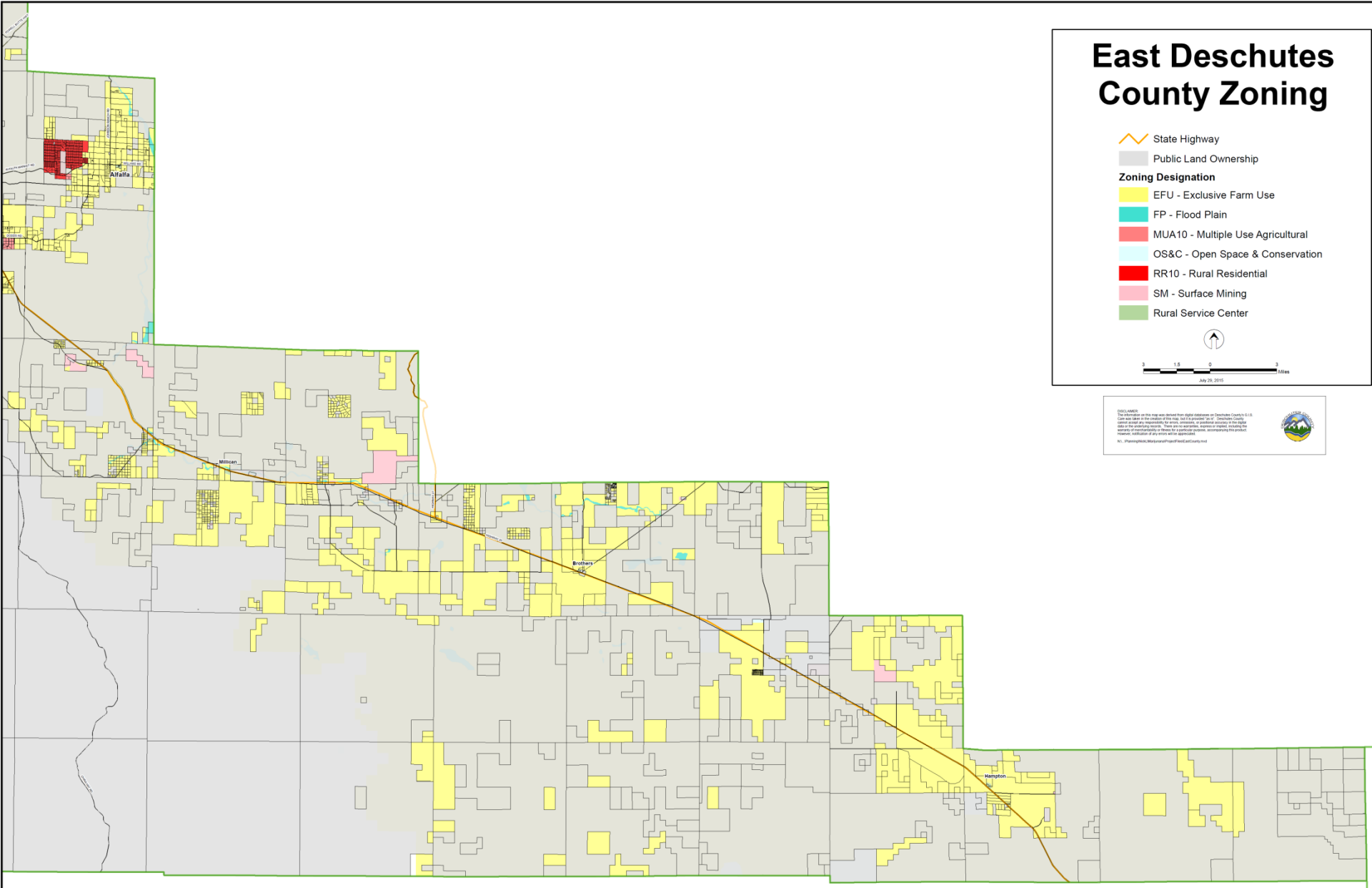
East Deschutes County Zoning

- State Highway
- Public Land Ownership
- Zoning Designation**
- EFU - Exclusive Farm Use
- FP - Flood Plain
- MUA10 - Multiple Use Agricultural
- OS&C - Open Space & Conservation
- RR10 - Rural Residential
- SM - Surface Mining
- Rural Service Center



0 1.0 2.0 Miles
July 26, 2015

DISCLAIMER
Data shown on this map was derived from digital databases of Deschutes County GIS. It is the user's responsibility to verify the accuracy of the data for their intended use. Deschutes County cannot be held responsible for errors, omissions, or outdated accuracy in the digital data or the printed product. Users are advised to verify the accuracy of the data for their intended use. Deschutes County is not responsible for any errors or omissions in the printed product.



OPT OUT: WHAT DOES IT MEAN?

- Marijuana businesses identified in the ordinance would be prohibited in unincorporated areas.
- Community Development Department cannot sign OLCC form (LUCS) for “opt out” businesses, and OLCC cannot issue a license for those businesses.
- Temporary moratorium in effect until the November 2016 general election.
- Local option tax is prohibited, and disqualification for shared state tax revenue.



PARTIAL OPT OUT OR NO OPT OUT

- Partial opt out – selected marijuana businesses prohibited:

- Ordinance referred to voters in Nov. 2016.
- Disqualification from state shared revenue.

- No opt out:

- Marijuana is a farm crop in the EFU zone.
- Board may decide in the future to allow and/or regulate marijuana businesses in other zones as allowed by HB 3400.



BOARD DECISION(S)

- Prohibit the establishment of any or all of the following businesses in the UNINCORPORATED AREAS of Deschutes County:
 - a. Medical Marijuana processing sites;
 - b. Medical Marijuana dispensaries;
 - c. Recreational Marijuana producers (growers);
 - d. Recreational Marijuana processors;
 - e. Recreational Marijuana wholesalers;
 - f. Recreational Marijuana retailers; or
 - g. Any combination of the entities described above.



PUBLIC HEARING

Please:

- Sign in / fill out a public comment card
- Come to the table when called by the Chair
- State your name
- Limit your comments to 2-4 minutes
- Be respectful



BOARD

At the end of the 5:30 p.m. hearing:

- **Continue or close the public hearing?**
- **If the hearing is closed, the Board will deliberate at a future public meeting.**

