



## Community Development Department

Planning, Building Safety, Environmental Soils, Code Enforcement  
PO Box 6005, Bend, Oregon 97708-6005  
117 NW Lafayette Avenue  
www.deschutes.org/cd

### Deschutes County Marijuana Advisory Committee

Meeting #3: Monday, February 22, 2016, 4:00-8:00 pm  
Barnes and Sawyer Rooms, Deschutes Services Building, 1300 NW Wall Street, Bend

NOTICE: A QUORUM OF THE BOARD OF COUNTY COMMISSIONS MAY BE IN ATTENDANCE AT THIS MEETING.

TIME	TOPIC	DESIRED OUTCOME
3:30 (:30)	<b>Optional pre-meeting refreshments for MAC members</b> (DeArmond Room)	
4:00 (:05)	<b>1. Welcome from Deschutes County</b>	Welcome attendees
4:05 (:05)	<b>2. Overview of agenda: Mary Orton, The Mary Orton Company, LLC (facilitator)</b> <i>See Packet: Agenda</i>	Clarity on the agenda.
4:10 (:05)	<b>3. Introductions of MAC members, County staff, and others serving as MAC resources</b>	Understanding resources available to the MAC.
4:15 (:15)	<b>4. Public Comments</b> Those who wish to speak will be limited to no more than 3 minutes, and perhaps less to allow time for everyone who wishes to speak. In addition, written comments will be accepted at any time, and will be posted to the County's website where all MAC members will be expected to read them.  Please note that this is a time for giving your views to the MAC members, not asking questions. If you have a question, please ask a County staff person during a break, or send your question to <a href="mailto:mac@Deschutes.org">mac@Deschutes.org</a> .	Opportunity to hear from members of the public who are present.
4:30 (1:00)	<b>5. Discussion and consensus building on medical and recreational marijuana regulations: <u>Retail</u></b> <i>See Packet: Matrices on zoning and standards</i>  <u>Retail marijuana</u> : "Selling marijuana items to a consumer in Oregon." i. Zoning, conditional and permitted uses	Provisional agreement on regulations.

TIME	TOPIC	DESIRED OUTCOME
	ii. Standards	
5:30 (:30)	<b>6. Discussion and consensus building on medical and recreational marijuana regulations: <u>Processing</u></b> <i>See Packet: Matrices on zoning and standards</i>  Processing marijuana: “Processing, compounding or conversion of marijuana into cannabinoid products, concentrates, or extracts; excluding packaging or labeling.” <ul style="list-style-type: none"> <li>i. Zoning, conditional and permitted uses</li> <li>ii. Standards</li> </ul>	Provisional agreement on regulations.
6:00 (:10)	<b>Break</b>	
6:10 (1:45)	<b>7. Discussion and consensus building on medical and recreational marijuana regulations: <u>Processing</u> (continued)</b>	Provisional agreement on regulations.
7:55 (:05)	<b>8. Next steps</b> <ul style="list-style-type: none"> <li>▪ Agenda and date for next meeting: <b>Wednesday</b>, March 2, 4-8 pm, Barnes and Sawyer Rooms</li> <li>▪ Meeting evaluation</li> </ul>	Agreement on next steps, continual improvement
8:00	<b>9. Adjourn</b>	

NOTE: Items included in the packet can be located at:

<http://www.deschutes.org/marijuana>

Deschutes County encourages persons with disabilities to participate in all programs and activities.

This event/location is accessible to people with disabilities.

If you need accommodations to make participation possible, please call the ADA Coordinator at (541) 617-4747.



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### MEMORANDUM

**TO:** Deschutes County Marijuana Advisory Committee

**FROM:** Nick Lelack, Director  
Matthew Martin, Associate Planner

**DATE:** February 22, 2016

**SUBJECT:** Agenda Overview: Retail & Processing Regulations

#### I. SUMMARY / OVERVIEW

The primary purposes of this meeting are to develop and obtain provisional agreement on retail and processing regulations for medical and recreational marijuana. It may not be possible for the MAC to complete its work on processing regulations at this meeting, however, due to the anticipated discussions over standards that **may** be applied to both processing and production uses (i.e., setbacks, access, odor, lighting, noise, water).

Please find attached the Deschutes County Zoning Map (excluding federally owned lands) that has been displayed at the meetings. This map, in conjunction with the maps of Sunriver, Terrebonne, and Tumalo that were distributed at the previous meeting, shows all the zones under consideration for allowing processing.

#### II. RETAIL

Please refer to the MAC's meeting packet for the February 17 meeting for information to guide the discussion on retail regulations. This discussion item is scheduled for 1 hour. About 15 properties **may** be eligible for recreational / medical retail businesses under County Code and state law (refer to the maps provided at the meeting to see potential properties) in the rural County.

#### III. PROCESSING

##### Exclusive Farm Use (EFU) Zone

Under current Deschutes County Code (DCC), processing is a permitted use with standards in the EFU Zone. This means a land use permit (Administrative Determination) is required to allow processing in the EFU zone. Processing is subject to following standards (DCC 18.16.025(I)):

**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.**

- a. 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.
- b. A processing facility or establishment must comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility.
- c. The County shall not approve any division of a lot or parcel that separates a processing facility or establishment from the farm operation on which it is located.

The MAC's task is to develop and recommend reasonable time, place and manner regulations to be required, if any, for medical and marijuana processing in addition to these standards in the EFU Zone.

The original proposed from the Board identified Type 1 processing as the processing of marijuana limited to trimming, drying, curing, and packaging of harvested marijuana, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority. Since the original proposal was developed, the Oregon Department of Land Conservation and Development (DLCD) provided the interpretation that processing does **not** include packaging or labeling of marijuana items. In addition, DLCD concludes that processing does not include drying marijuana by a marijuana producer, which DLCD considers to be "preparation" of farm products and part of the definition of farm use at OAR 660-033-0020(7)(b)(A).

"Marijuana Processing" means the processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates, or cannabinoid extracts, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority."

"Cannabinoid extract" means a substance obtained by separating cannabinoids from marijuana by a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane; a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure. These methods of processing are known to be more dangerous than others given the volatility of the substances or processes involved. It is noteworthy that these extraction methods are often used in the process of lavender, mint, and other agricultural products.

#### Multiple Use Agricultural-10 (MUA-10) Zone

The Board initially proposed allowing marijuana processing in the MUA-10 Zone under certain standards (please refer to the matrices) as a Conditional Use. The Planning Commission did not recommend allowing marijuana processing in the MUA-10 Zone. The MAC's task is to decide whether to recommend allowing processing in the MUA-10 zone (or any other potentially applicable zone) and, if so, under what standards.

Currently, processing is allowed in the **MUA-10 Zone under DCC 18.32.030(C) Commercial activities in conjunction with a farm use. The commercial activity shall be associated with the farm use occurring on the parcel where the commercial use is proposed. The commercial activity may use, process, store or market farm products produced in Deschutes County or an adjoining County.**

Marijuana process would need to comply with the Conditional Use criteria in DCC 18.128.015 General Standards Governing Conditional Uses (attached) and any additional regulations adopted by the Board during the process.

**MARIJUANA PROCESSING  
(RECREATIONAL AND MEDICAL)  
SUMMARY OF ZONES FOR CONSIDERATION TO ALLOW**

	ORIGINAL PROPOSAL		PLANNING COMMISSION RECOMMENDATION	
Permitted (P) Conditional Use (CU) Not Allowed (-)				
Zone	Type 1	Type 2	Excluding Extracts	Including Extracts
TITLE 18 – Deschutes County				
18.16 Exclusive Farm Use - EFU	P	P	P	P
18.32 Multiple Use Agricultural - MUA10	CU	CU	-	-
18.66 TERREBONNE RURAL COMMUNITY				
18.66.040 Commercial - TeC	CU	CU	CU	CU
18.66.050 Commercial Rural - TeCR	CU	CU	CU	CU
18.67 TUMALO RURAL COMMUNITY				
18.67.040 Commercial - TuC	CU	CU	CU	CU
18.67.060 Industrial - Tul	P	CU	P	CU
18.100 Rural Industrial - RI <sup>1</sup>	P/CU	CU	P/CU	CU
18.108 SUNRIVER UUC				
18.108.110 Business Park - SUBP	P	CU	P	CU
TITLE 19 – BEND URBAN AREA ZONING ORDINANCE				
No Marijuana Related Businesses Allowed				
TITLE 20 - REDMOND URBAN AREA ZONING ORDINANCE				
No Marijuana Related Businesses Allowed				
TITLE 21 - SISTERS URBAN AREA ZONING ORDINANCE				
No Marijuana Related Businesses Allowed				

1-Similar to all other uses Permitted in the Rural Industrial zone, a conditional use permit is required if:

1. Located within 600 feet of a residential dwelling, a lot within a platted subdivision or a residential zone;
2. Involves open storage; or
3. Is expected to exceed the following standards:
  - a. Lot coverage in excess of 70 percent.
  - b. Generation of any odor, dust, fumes, glare, flashing lights or noise that is perceptible without instruments 500 feet from the property line of the subject use.

**Related Definition Recommended By The Planning Commission:**

“Marijuana Processing” means the processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates, or cannabinoid extracts, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.”

**Related Definitions Originally Proposed:**

“Marijuana processing, Type 1” means the processing of marijuana limited to trimming, drying, curing, and packaging of harvested marijuana, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority .

“Marijuana processing, Type 2” means the processing of marijuana that extracts concentrates, infuses products, or involves mechanical and/or chemical processing in addition to drying, curing, trimming, and packaging, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority .

**Related Definitions Originally Proposed And Recommended By The Planning Commission:**

“Cannabinoid” means any of the chemical compounds that are the active constituents of marijuana.

“Cannabinoid concentrate” means a substance obtained by separating cannabinoids from marijuana by a mechanical extraction process; a chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol, or ethanol; a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.

“Cannabinoid edible” means food or potable liquid into which a cannabinoid concentrate, cannabinoid extract, or dried marijuana leaves or flowers have been incorporated.

“Cannabinoid extract” means a substance obtained by separating cannabinoids from marijuana by a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane; a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure; or any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.

“Cannabinoid product” means a cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair, that contains cannabinoids or dried marijuana leaves or flowers. Cannabinoid product does not include usable marijuana by itself, a cannabinoid concentrate by itself, a cannabinoid extract by itself, or industrial hemp as defined in Oregon Revised Statutes 571.300.

**MARIJUANA PROCESSING  
(RECREATIONAL AND MEDICAL)  
SPECIFIC USE STANDARDS FOR CONSIDERATION**

**Related Definition Recommended By The Planning Commission:**

“Marijuana Processing” means the processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates, or cannabinoid extracts, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.”

**Related Definitions Originally Proposed:**

“Marijuana processing, Type 1” means the processing of marijuana limited to trimming, drying, curing, and packaging of harvested marijuana, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.

“Marijuana processing, Type 2” means the processing of marijuana that extracts concentrates, infuses products, or involves mechanical and/or chemical processing in addition to drying, curing, trimming, and packaging, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority .

	MAC PROVISIONAL RECOMMENDATIONS	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY ADOPTED	JACKSON COUNTY PC RECOMMENDATION	OLCC (Recreational)	OHA PROPOSED RULES (Medical)
Home Occupation		Prohibited	Prohibited	Prohibited	Prohibited		
Minimum Parcel Size		In the MUA-10 Zone: <ul style="list-style-type: none"><li>The subject property minimum parcel size shall be:<ul style="list-style-type: none"><li>Processing, Type 1: 5 acres.</li><li>Processing, Type 2: 10 acres.</li></ul></li></ul>	Processing not permitted in the MUA-10 zone. Therefore, the originally proposed minimum parcel size is not applicable.	In the FF-10 and RRFF-5 Districts: the subject property shall be a minimum of five acres, except that if the majority of abutting properties are equal to or greater than two acres, the subject property shall be a minimum of two acres. Abutting properties include properties that are contiguous to the subject property, as well as properties directly across any access drive, or private, public, or county road, provided the functional classification of the road is below that of a collector.  In the AG/F, EFU, and TBR Districts: Tthe subject property shall be a minimum of two acres.			
Yard Setback		No land area or structure used for marijuana production or marijuana processing shall be located closer than 100 feet from any lot line.	No land area or structure used for marijuana production or marijuana processing shall be located closer than 200 feet from any lot line.		In the EFU zone: No land area or structure used for all marijuana processing shall be located closer than 200 feet from any property line.		
Additional Setback		No land area or structures used for marijuana processing shall be located closer than 300 feet from an existing dwelling unit not located on the same property.	No land area or structures used for marijuana processing shall be located closer than 300 feet from an existing dwelling unit not located on the same property.				
Minimum		<ul style="list-style-type: none"><li>1000 from public/private</li></ul>	<ul style="list-style-type: none"><li>1000 from public/private</li></ul>				

<b>Separation Distances</b>		<p>elementary schools, licenses child care center, and licensed preschool</p> <ul style="list-style-type: none"> <li>Change of use (i.e. new school) shall not cause violation of this standard</li> </ul> <p><b>Distance Calculation:</b> All distances shall be measured from the lot line of the affected property (e.g., a school) to the closest lot line of the property occupied by the marijuana wholesaler.</p>	<p>elementary and secondary schools, licenses child care center, licensed preschool, parks, and all approved/licensed youth activity centers (i.e., Boys &amp; Girls Club) with a 501c3 status or description stating youth activities, excluding in-home child care.</p> <ul style="list-style-type: none"> <li>Change of use (i.e. new school) shall not cause violation of this standard.</li> </ul> <p><b>Distance Calculation:</b> All distances shall be measured from the lot line of the affected property (e.g., a school) to the closest lot line of the property occupied by the marijuana wholesaler.</p>				
<b>Access</b>		<ul style="list-style-type: none"> <li>The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property.</li> <li>If property takes access via a private road or easement which also serves other properties, evidence must be provided by the applicant, in the form of a petition, that all other property owners who have access rights to the private road or easement agree to allow the specific marijuana production or marijuana processing described in the application. Such evidence shall include any conditions stipulated in the agreement.</li> </ul>	<ul style="list-style-type: none"> <li>The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property.</li> <li>If property takes access via a private road or easement which also serves other properties, evidence must be provided by the applicant, in the form of a petition, that all other property owners who have access rights to the private road or easement agree to allow the specific marijuana production or marijuana processing described in the application. Such evidence shall include any conditions stipulated in the agreement.</li> </ul>	<ul style="list-style-type: none"> <li>The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property.</li> <li>However, this standard will be waived if the property takes access via a private road or easement which also serves other properties and evidence is provided by the applicant, in the form of a petition, that all other property owners who have access rights to the private road or easement agree to allow the specific marijuana production or marijuana processing described in the application. Such evidence shall include any conditions stipulated in the agreement.</li> </ul>			
<b>Odor</b>		<p>Buildings and Greenhouses shall:</p> <ul style="list-style-type: none"> <li>Equipped with carbon Filtration system</li> <li>Consist of 1 or more fans.</li> <li>The fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided</li> </ul>	<p>Buildings and Greenhouses shall:</p> <ul style="list-style-type: none"> <li>Equipped with carbon Filtration system</li> <li>Consist of 1 or more fans.</li> <li>The fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided</li> </ul>	<p>The building shall be:</p> <ul style="list-style-type: none"> <li>Equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.</li> <li>The filtration system shall consist of one or more fans</li> </ul>	<p>In the EFU Zone:</p> <ul style="list-style-type: none"> <li>A building used for marijuana processing shall be equipped with a carbon filtration system for odor control.</li> <li>The system shall consist of one or more fans and filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent</li> </ul>		



		<p>by three.</p> <ul style="list-style-type: none"> <li>The filter(s) shall be rated for the required CFM.</li> </ul>	<p>by three.</p> <ul style="list-style-type: none"> <li>The filter(s) shall be rated for the required CFM.</li> <li>The filtration system shall be maintained in working order and shall be in use.</li> <li>An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the carbon filtration system otherwise required.</li> </ul>	<p>and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.</p> <ul style="list-style-type: none"> <li>The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.</li> <li>Negative air pressure shall be maintained inside the building.</li> <li>Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.</li> <li>The filtration system shall be designed by a mechanical engineer licensed in the State of Oregon. The engineer shall stamp the design and certify that it complies with Subsection 841.03(G).</li> <li>An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required.</li> </ul>	<p>to the square footage of the building floor space (i.e., one CFM per square foot of building floor space).</p> <ul style="list-style-type: none"> <li>The filter(s) shall be rated for the applicable CFM</li> <li>The filtration system shall be maintained in working order and shall be in use.</li> <li>An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the carbon filtration system otherwise required.</li> </ul>		
Lighting		<ul style="list-style-type: none"> <li>Light cast by light fixtures inside any building, including greenhouses, shall be screened or shielded from view outside the building to the maximum extent possible from sunset to sunrise the following day.</li> <li>Outdoor marijuana grow lights shall not be illuminated from sunset to sunrise the following day.</li> <li>Light cast by exterior light fixtures shall comply with the outdoor lighting</li> </ul>	<p><b>General consensus to mitigate light and preserve dark skies, but no consensus on to what extent or method (i.e., require shielding or obscuring roof/walls of greenhouses).</b></p> <ul style="list-style-type: none"> <li>Light cast by light fixtures inside any building, including greenhouses, shall be screened or shielded from view outside the building to the maximum extent possible from sunset to sunrise the following day.</li> <li>Outdoor marijuana grow</li> </ul>	<ul style="list-style-type: none"> <li>Light cast by light fixtures inside any building used for marijuana production or marijuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.</li> <li>Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.</li> <li>Light cast by exterior light fixtures other than marijuana grow lights (e.g., security lights, driveway lights) shall</li> </ul>	<p>In the EFU Zone:</p> <ul style="list-style-type: none"> <li>Outdoor marijuana processing lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.</li> <li>Light cast be exterior light fixtures (i.e. security lights) shall not trespass onto adjacent lots.</li> <li>Lighting fixtures shall be fully shielded in such a manner that all light emitted directly by the lamp or a diffusing element or indirectly by reflection or refraction is</li> </ul>		

		standards of DCC 15.10.	lights shall not be illuminated from sunset to sunrise the following day. <ul style="list-style-type: none"> <li>Light cast by exterior light fixtures shall comply with the outdoor lighting standards of DCC 15.10.</li> </ul>	not be directed skyward and shall be directed within the boundaries of the subject property.	projected below the horizontal plane through the lowest light-emitting part.		
<b>Security Cameras</b>		Shall be directed to record only the subject property and public rights-of-way.	If security cameras are used, they shall be directed to record only the subject property and public rights-of-way, except as required to comply with licensing requirements of the Oregon Liquor Control Commission (OLCC) or registration requirements of the Oregon Health Authority (OHA).	Shall be directed to record only the subject property and may be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the Oregon Liquor Control Commission (OLCC).	In the EFU Zone: Shall be directed to record only the subject property and public rights-of-way, except as required to comply with licensing requirements of the Oregon Liquor Control Commission or registration requirements of the Oregon Health Authority.		
<b>Secure Disposal</b>		<ul style="list-style-type: none"> <li>Secure disposal of discarded marijuana items shall be provided.</li> <li>Marijuana items shall not be placed within exterior refuse containers on the subject property.</li> </ul>	Store marijuana waste in a secured waste receptacle in the possession of and under the control of the licensee.	Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee.	In the EFU Zone: Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the licensee.	Store marijuana waste in a secured waste receptacle in the possession of and under the control of the licensee.	
<b>Noise</b>		<ul style="list-style-type: none"> <li>Compliance with the Noise Control Standards of DCC 8.08.</li> <li>Noise from mechanical equipment used shall not produce sound that, when measured at any lot line of the subject property, exceed 50 dB(A) anytime between 10:00 p.m. and 7:00 a.m. the following day.</li> </ul>	Move to Noise Control Ordinance 8.08, and apply to all marijuana processing building and mechanical equipment outside of a commercial or industrial zone.	The applicant shall submit a noise study by an acoustic engineer licensed in the State of Oregon. The study shall demonstrate that generators as well as mechanical equipment used for heating, ventilating, air conditioning, or odor control will not produce sound that, when measured at any lot line of the subject property, exceeds 50 dB(A).			
<b>Screening</b>		Land area and buildings, including greenhouses, shall be screened in the following manner: a. A row of evergreen trees or shrubs along the outside perimeter of the land area and buildings, including greenhouses, shall be no less than 4 feet in height when planted, and spaced in such a way as to reduce the visual impacts of the land areas and buildings as viewed from roads, rivers, streams, and abutting private properties. b. Vegetation shall be continuously maintained. c. Combination of existing vegetation, berming, topography, wall, fence, or	Do not apply to buildings and greenhouses for new operations because OLCC's security and site obscuring requirements combined with Planning Commission recommendations (i.e., increased setbacks) will mitigate impacts.  These standards should only apply to existing, non-conforming operations, including buildings and greenhouses to mitigate impacts: a. A row of evergreen trees or shrubs along the outside perimeter of the land area and buildings, including greenhouses, shall be no less than 4 feet in height when planted, and spaced in such a				

		<p>other can be used.</p> <p>d. All materials used for buildings, structures, and fencing, excluding greenhouses shall be finished in muted earth tones that blend with and reduce contrast with the surrounding vegetation and landscape of the marijuana production and processing area.</p>	<p>way as to reduce the visual impacts of the land areas and buildings as viewed from roads, rivers, streams, and abutting private properties.</p> <p>b. Vegetation shall be continuously maintained.</p> <p>c. Combination of existing vegetation, berming, topography, wall, fence, or other can be used.</p> <p>d. All materials used for buildings, structures, and fencing, excluding greenhouses shall be finished in muted earth tones that blend with and reduce contrast with the surrounding vegetation and landscape of the marijuana production and processing area.</p>				
<b>Water Source</b>		<p>Applicant shall submit proof of a water right for the proposed marijuana processing, or proof of access to a public or community water system.</p>	<p>The applicant shall submit proof from the watermaster that proposed water supply complies all applicable local, state, and federal laws.</p>	<p>The applicant shall submit:</p> <ol style="list-style-type: none"> <li>1. A water right permit or certificate number for the proposed marijuana processing;</li> <li>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</li> <li>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.</li> </ol>	<p>In the EFU Zone:</p> <p>The applicant shall provide:</p> <ol style="list-style-type: none"> <li>1. A water right permit or certificate number;</li> <li>2. A statement that water is supplied from a water provider along with the name and contact information of the public water provider; or</li> <li>3. Proof from the Oregon Water Resources Department that the water to be used for production is from a source that does not require a water right.</li> </ol>		
<b>Fire Protection</b>		<p>In the MUA-10 Zone:</p> <p>Type 2 Marijuana Processing shall only be permitted on properties located within a fire district.</p>	<p>Processing of cannabinoid extracts shall only be permitted on properties located within or under contract with a fire district.</p>			<p>Processors of cannabinoid extracts shall:</p> <p>Meet any required fire, safety, and building code requirements specified in:</p> <ol style="list-style-type: none"> <li>1. Applicable Oregon laws;</li> <li>2. National Fire Protection Association (NFPA) standards;</li> <li>3. International Building Code (IBC);</li> <li>4. International Fire Code (IFC);</li> </ol>	<p>Processors of cannabinoid extracts shall:</p> <p>Meet any required fire, safety, and building code requirements specified in:</p> <ol style="list-style-type: none"> <li>1. Oregon state law;</li> <li>2. National Fire Protection Association (NFPA) standards;</li> <li>3. International Building Code (IBC);</li> <li>4. International Fire Code (IFC).</li> </ol>
<b>Indoor Processing</b>		<p>In the MUA-10 Zone:</p> <ul style="list-style-type: none"> <li>• Marijuana processing shall be located entirely within one or more completely enclosed buildings, including greenhouses.</li> </ul>	<p>Processing not permitted in the MUA-10 zone. Therefore, the originally proposed indoor processing requirement is not applicable.</p>	<p>In the AG/F and EFU Districts:</p> <p>Marijuana processing shall be located entirely within one or more completely enclosed buildings.</p>			

		<ul style="list-style-type: none"> <li>• A maximum of 3,000 square feet of building space may be used for all activities associated with marijuana processing on the subject property.</li> <li>• If only a portion of a building is authorized for use in marijuana production or marijuana processing, a partition wall at least seven feet in height, or a height as required by the County Building Codes Division, whichever is greater, shall separate the marijuana production or marijuana processing space from the remainder of the building. A partition wall may include a door, capable of being closed, for ingress and egress between the marijuana production or marijuana processing space and the remainder of the building.</li> </ul>					
<b>On-Site Residency</b>		In the MUA-10 Zone: An owner of the subject property shall reside in a dwelling unit on the subject property.	Processing not permitted in the MUA-10 zone. Therefore, the originally proposed residency requirement is not applicable.	In the FF-10 and RRF-5 Districts: A minimum of one of the following shall reside in a dwelling unit on the subject property: 1. An owner of the subject property; or 2. A holder of an OLCC license for marijuana production, provided that the license applies to the subject property.			
<b>Nonconformance</b>		Shall comply with odor, lighting, security camera, secure disposal, noise, and screening requirements by 12/31/16.	Shall comply with odor, lighting, security camera, secure disposal, noise, and screening requirements by 12/31/16.				
<b>On-Site Sales Prohibited</b>					In the Industrial Zones: No on-site retail sales are allowed.		
<b>Outdoor Storage Prohibited</b>					In the Industrial Zones: No outdoor storage of marijuana in any form, including remnants, by-products and waster is permitted.		
<b>Processing Method Limitation</b>					In the EFU Zone: Only dry, water or CO-2 processing is allowed.		
<b>Temporary Residences Prohibited</b>					In the EFU Zone: Use of tents, and recreational or camping vehicles for overnight stays, as living space is not		

					allowed in conjunction with marijuana processing.		
Minors						Minors are not permitted at the licensed premise except for unique, limited circumstance (i.e. minor plumber).	Minors are not permitted to be present in any limited access area of a registered processing site.
Consumption						Product may not be consumed at a licensed premise.	The ingestion, inhalation or topical application of a marijuana item anywhere on the premises of the processing site is prohibited except as allowed for medical marijuana patients.

Related Definitions Originally Proposed And Recommended By The Planning Commission:

“Cannabinoid” means any of the chemical compounds that are the active constituents of marijuana.

“Cannabinoid concentrate” means a substance obtained by separating cannabinoids from marijuana by a mechanical extraction process; a chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol, or ethanol; a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.

“Cannabinoid edible” means food or potable liquid into which a cannabinoid concentrate, cannabinoid extract, or dried marijuana leaves or flowers have been incorporated.

“Cannabinoid extract” means a substance obtained by separating cannabinoids from marijuana by a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane; a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure; or any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.

“Cannabinoid product” means a cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair, that contains cannabinoids or dried marijuana leaves or flowers. Cannabinoid product does not include usable marijuana by itself, a cannabinoid concentrate by itself, a cannabinoid extract by itself, or industrial hemp as defined in Oregon Revised Statutes 571.300.

## **Chapter 18.128.   CONDITIONAL USE**

- 18.128.010.   Operation.**
- 18.128.015.   General Standards Governing Conditional Uses.**
- 18.128.020.   Conditions.**
- 18.128.030.   Performance Bond.**
- 18.128.040.   Specific Use Standards.**
- 18.128.050.   Airports, Aircraft Landing Fields, Aircraft Charter, Rental, Service  
Maintenance Facilities Not Located in the A-D Zone.**
- 18.128.060.   Automobile Wrecking Yard or Junkyard.**
- 18.128.070.   Cemeteries.**
- 18.128.080.   Church, Hospital, Nursing Home, Convalescent Home, Retirement Home.**
- 18.128.090.   Medical Clinic, Veterinary Clinic, Club, Lodge, Fraternal Organization,  
Community Center, Grange Hall, Golf Course, Horse Stable and Horse  
Events Requiring Conditional Uses, Grounds and Buildings For Games or  
Sports, Country Club, Swimming, Boating, Tennis Clubs and Similar  
Activities, Government Structures and Land Uses, Parks, Playgrounds.**
- 18.128.100.   Dog Pounds and Kennels.**
- 18.128.110.   Repealed.**
- 18.128.120.   Landfill, Solid Waste Disposal Site.**
- 18.128.130.   Commercial Use or Accessory Use Not Wholly Enclosed Within A Building, or  
a Retail Establishment, Office, Service Commercial Establishment, Financial  
Institution, or Personal or Business Service Establishment on a Lot Adjoining  
or Across a Street From a Lot on a Residential Zone.**
- 18.128.140.   Commercial Amusement Establishment.**
- 18.128.150.   Manufactured Home Park.**
- 18.128.160.   Multi-Family Dwelling Complex.**
- 18.128.170.   Recreational Vehicle Park.**
- 18.128.180.   Radio, Television Tower, Utility Station or Substation.**
- 18.128.190.   Schools.**
- 18.128.200.   Cluster Development (Single-Family Residential Uses Only).**
- 18.128.210.   Planned Development.**
- 18.128.220.   Planned Communities.**
- 18.128.230.   Dude Ranches.**
- 18.128.240.   Shopping Complex.**
- 18.128.250.   High-Temperature Geothermal Wells and Small-Scale Geothermal Energy  
Facilities.**
- 18.128.260.   Hydroelectric Facilities.**
- 18.128.270.   Fill and Removal.**
- 18.128.280.   Surface Mining of Non-Goal 5 Mineral and Aggregate Resources**
- 18.128.290.   Storage, Crushing and Processing of Minerals in Conjunction with the  
Maintenance or Construction of Public Roads or Highways.**
- 18.128.300.   Mini-Storage Facility.**
- 18.128.310.   Bed and Breakfast Inn.**
- 18.128.320.   Campgrounds.**
- 18.128.330.   Microwave and Radio Communication Towers in the SM Zone.**
- 18.128.340.   Wireless Telecommunications Facilities.**
- 18.128.350.   Guest Lodge.**
- 18.128.360.   Guest Ranch.**
- 18.128.370.   Time-Share Unit.**
- 18.128.380.   Procedure for Taking Action on Conditional Use Application.**

- 18.128.390. Time Limit on a Permit for a Conditional Use.**
- 18.128.400. Occupancy Permit.**
- 18.128.410. Repealed.**
- 18.128.420. Building Permit for an Approved Conditional Use.**

**18.128.010. Operation.**

- A. A conditional use listed in DCC Title 18 shall be permitted, altered or denied in accordance with the standards and procedures of this title; DCC Title 22, the Uniform Development Procedures Ordinance; and the Comprehensive Plan.
- B. In the case of a use existing prior to the effective date of DCC Title 18 and classified in DCC Title 18 as a conditional use, any change in use or lot area or an alteration of structure shall conform with the requirements for a conditional use.

(Ord. 86-032 §1, 1986)

**18.128.015. General Standards Governing Conditional Uses.**

Except for those conditional uses permitting individual single-family dwellings, conditional uses shall comply with the following standards in addition to the standards of the zone in which the conditional use is located and any other applicable standards of the chapter:

- A. The site under consideration shall be determined to be suitable for the proposed use based on the following factors:
  - 1. Site, design and operating characteristics of the use;
  - 2. Adequacy of transportation access to the site; and
  - 3. The natural and physical features of the site, including, but not limited to, general topography, natural hazards and natural resource values.
- B. The proposed use shall be compatible with existing and projected uses on surrounding properties based on the factors listed in DCC 18.128.015(A).
- C. These standards and any other standards of DCC 18.128 may be met by the imposition of conditions calculated to insure that the standard will be met.

(Ord. 92-047 §1, 1992; Ord. 91-038 §3, 1991)

**18.128.020. Conditions.**

In addition to the standards and conditions set forth in a specific zone or in DCC 18.124, the Planning Director or the Hearings Body may impose the following conditions upon a finding that additional restrictions are warranted.

- A. Require a limitation on manner in which the use is conducted, including restriction of hours of operation and restraints to minimize environmental effects such as noise, vibrations, air pollution, glare or odor.
- B. Require a special yard or other open space or a change in lot area or lot dimension.
- C. Require a limitation on the height, size or location of a structure.
- D. Specify the size, number, location and nature of vehicle access points.
- E. Increase the required street dedication, roadway width or require additional improvements within the street right of way.
- F. Designate the size, location, screening, drainage, surfacing or other improvement of a parking or loading area.
- G. Limit or specify the number, size, location, height and lighting of signs.
- H. Limit the location and intensity of outdoor lighting and require shielding.