MARIJUANA RETAILING

DESHUTES COUNTY CODE DEFINES “MARIJUANA RETAILING” AS:
The sale of marijuana items to a consumer, provided that the marijuana retailer is licensed by the Oregon Liquor Control Commission for recreational marijuana sales or registered with the Oregon Health Authority for medical marijuana sales.

SPECIFIC STANDARDS

The following is a summary of the specific use standards applicable to marijuana retailing operations. Please refer to Deschutes County Code Section 18.116.330 for full text. Other general zoning and development standard may be applicable.

ZONING

Marijuana retailing is allowed in the following zones as a conditional use:

- **RSC** Rural Service Center
- **TeC** Terrebonne Commercial
- **TeCR** Terrebonne Commercial Rural
- **TuC** Tumalo Commercial
- **TuI** Tumalo Industrial
- **RC** Rural Commercial
- **RI** Rural Industrial
- **SUC** Sunriver Commercial
- **SUTC** Sunriver Town Center
- **SUBP** Sunriver Business Park

SEPARATION DISTANCES

The building space occupied by the operation shall be located a minimum of 1000 feet from all of the following:
• A public, private, or parochial elementary or secondary school including any parking lot and property used by the school.
• A licensed child care center or licensed preschool including any parking lot and any property used by the child care center or preschool. This does not include licensed or unlicensed child care which occurs at or in residential structures.
• A youth activity center.
• National monuments and state parks.
• Any other marijuana retail facility licensed by the OLCC or marijuana dispensary registered with the OHA.

All distances shall be measured from the lot line of the affected properties to the closest point of the buildings space occupied by the retailer, except distance between retailers. Distances between retailers shall be measured from the closest point of the building space occupied by one marijuana retailer to the closest point of the building space occupied by the other marijuana retailer.

**HOURS**

Hours of operation shall **9:00 a.m. to 7:00 p.m.** on the same day.

**ODOR**

The building, or portion thereof, used for marijuana retailing shall be designed or equipped to prevent detection of marijuana plant odor off premise by a person of normal sensitivity.

**SECURE WASTE DISPOSAL**

Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA registrant.

**ANNUAL REPORTING**

An annual report shall be submitted to the Community Development Department, including the applicable fee, and a fully executed Consent to Inspect Premises form that includes:
• Documentation demonstrating compliance with the:

  1. Land use decision and permits.
  2. Fire, health, safety, waste water, and building codes and laws.

• Other information as may be reasonably required to ensure compliance with Deschutes County Code, applicable State regulations, and to protect the public health, safety, and welfare.
• Marijuana Control Plan to be established and maintained by the Community Development Department.
• Conditions of Approval Agreement to be established and maintained by the Community Development Department.

Failure to timely submit the annual report, fee, and Consent to Inspect Premises form or to demonstrate compliance shall serve as acknowledgement that the otherwise allowed use is not in compliance and may be relied upon by the State of Oregon to deny new or license renewal(s) for the subject use and subject to Deschutes County Code Enforcement.

**PROHIBITED**

The follow characteristics are prohibited as part of a marijuana retailing operation:

**MINORS**

No person under the age of 21 shall be permitted to be present in the building, or portion thereof, occupied by the marijuana retailer, except as allowed by state law.

**CO-LOCATION OF RELATED ACTIVITIES AND USES**

Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the marijuana retailer. In addition, marijuana retailing shall not be co-located on the same lot or parcel or within the same building with any marijuana social club or marijuana smoking club.

**WINDOW SERVICE**

The use shall not have a walk-up or drive-thru window service.