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I. EXECUTIVE SUMMARY

Oregonians approved Ballot Measure 91 in 2014 to allow recreational marijuana. Deschutes County voters supported the measure by a slim 51.8 percent. The Legislature adopted implementing laws in summer 2015. The County began to address this issue later that year. It has been a divisive topic in the rural County ever since.

In 2016, the Deschutes County Board of Commissioners (Board) adopted carefully crafted ordinances to support the emerging marijuana industry and to protect the high quality of rural life through regulations to mitigate sight, sound, smell, water, waste disposal, access, and more. The regulations are unique among Oregon counties in three ways, including:

1. Discretionary standards to provide flexibility that the industry requested to demonstrate regulatory compliance;
2. Public involvement in the land use decision making process by:
   a. Requiring public notification of submitted applications.
   b. Providing opportunities for comments, hearings, and appeals.
3. Standards specifically designed to address Deschutes County’s land use patterns, zoning challenges, varied lot sizes, climate, diverse landscapes, rural communities, and agricultural practices.

Prior to, during, and since the process to develop and adopt the regulations, industry supporters have claimed the regulations go too far and effectively prohibit the industry. Opponents disagree, arguing the regulations do not go far enough or the County should opt out. The Board is committed to evaluating the regulations to ensure standards are fair while protecting the quality of life of county residents.

Evaluating the regulations consists of two parts and separate reports:
1. Establishing a factual basis of existing marijuana operations in the County; and
2. Engaging neighbors of approved marijuana grows, marijuana growers and industry representatives, and technical/agency staff in conversations about specific regulations and the overall permitting process. A public comment period is also open and available to any County resident to provide input.

First, the Existing Conditions Report provides a factual basis of the number, types, and general locations of marijuana applications submitted to the County from September 2016 through September 2017. The document also summarizes the County’s marijuana regulations and code enforcement approach.

Over the program’s first year, the County has approved 32 marijuana land use applications and denied two. Two applications were withdrawn. Industry representatives indicated 25-30 applications would be submitted to the County within the first year following ordinance adoption. County staff publicly estimated that 25-50 applications would be submitted based on customer inquiries and contacts.

Second, the Community Involvement Report will summarize neighbor, public, industry, and agency comments on the effectiveness of the regulations to both support the industry and mitigate any impacts to neighbors.

Both reports will be combined into one document to inform the Board’s determination of the effectiveness of the regulations, including the permitting process. The Board will then decide whether the County’s marijuana regulations should be amended.
II. OVERVIEW

A. Purpose

The purpose of the Existing Conditions Report is to provide a summary of marijuana land use activity in rural Deschutes County, in addition to the existing regulations and approach to code enforcement.

B. Background

In June 2016, the Deschutes County Board of Commissioners (Board) adopted several ordinances regulating medical and recreational marijuana related uses. During adoption and as discussed with the Oregon Legislature in 2017, the Board committed to reevaluating the effectiveness of the regulations and address changing circumstances, interpretative matters, and amendments to state law. The following provides a general timeline of marijuana law and regulation in Oregon and Deschutes County.

**Oregon Medical Marijuana Act**
In November 1998, Measure 67 was approved allowing cultivation, possession, and use of marijuana by doctor recommendation for patients with certain medical conditions.

**Recreational Marijuana**
In November 2014, Measure 91 was approved legalizing marijuana for recreational use. Later, in 2015, the State Legislature approved five bills related to recreational and medical marijuana. Two of those bills, HB 3400 and SB 1598, had provisions related to marijuana land use issues.

**“Opt Out” Moratorium**
In December 2015, after considering proposed regulations, the Board unanimously approved a moratorium temporarily banning marijuana business. The Board expressed a desire to have more time to evaluate the impact and convene a Marijuana Advisory Committee (MAC) to participate in this discussion.

**Deschutes County MAC**
In February 2016, the Board appointed 13 residents charged with developing and recommending reasonable time, place and manner land use regulations intended to mitigate the impacts of medical and recreational marijuana uses.

**Regulations Adopted**
In June 2016, the Board, after considering extensive public comments, MAC recommendations, and state law, adopted regulations. These new standards reflected a compromise to support this emerging industry while maintaining the county’s rural character by mitigating sight, sound, odor, waste disposal, and more.

**“Opt Out” Moratorium Lifted**
In September 2016, the “Opt Out” moratorium was lifted allowing marijuana related uses to be established subject to land use review and approval.
III. MARIJUANA LAND USE ACTIVITY

A. RURAL COUNTY

Deschutes County accepted land use applications for marijuana operations in September 2016. As of September 25, 2017, the Community Development Department issued 32 decisions for marijuana operations including production, processing, wholesale and retail. There are 16 pending applications. The graph below identifies the number of land use applications and their status, i.e., approved, pending, denied, withdrawn.

* Status as of September 25, 2017.

The charts below highlight the zoning districts approved production facilities are located within, in addition to the average parcel size, canopy size, and whether marijuana was grown in a greenhouse or an enclosed structure. A vast majority of the decisions have been issued administratively; two have been issued by a Hearings Officer and only one was decided by the Board of County Commissioners.

**APPROVED LAND USE APPLICATION**

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>EFU</td>
<td>93%</td>
</tr>
<tr>
<td>MUA-10</td>
<td>7%</td>
</tr>
<tr>
<td>Total</td>
<td>100%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of Structure</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greenhouses</td>
<td>44%</td>
</tr>
<tr>
<td>Enclosed Structures</td>
<td>44%</td>
</tr>
<tr>
<td>Utilizing Both</td>
<td>11%</td>
</tr>
<tr>
<td>Total</td>
<td>100%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Average Parcel Size</th>
<th>24 Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Canopy Size</td>
<td>8,200 Square Feet</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Approval Body</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative (Staff)</td>
<td>89%</td>
</tr>
<tr>
<td>Hearings Officer</td>
<td>7%</td>
</tr>
<tr>
<td>Board of County Commissioners</td>
<td>4%</td>
</tr>
<tr>
<td>Total</td>
<td>100%</td>
</tr>
</tbody>
</table>
PENDING LAND USE APPLICATIONS (As of September 25, 2017)

**Zoning District**

<table>
<thead>
<tr>
<th>Zoning District</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>EFU</td>
<td>91%</td>
</tr>
<tr>
<td>MUA-10</td>
<td>9%</td>
</tr>
<tr>
<td>Total</td>
<td>100%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Average Parcel Size</th>
<th>56 Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Canopy Size</td>
<td>6,300 Square Feet</td>
</tr>
</tbody>
</table>

**Type of Structure**

<table>
<thead>
<tr>
<th>Type of Structure</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Greenhouses</td>
<td>36%</td>
</tr>
<tr>
<td>Enclosed Structures</td>
<td>45%</td>
</tr>
<tr>
<td>Utilizing Both</td>
<td>18%</td>
</tr>
<tr>
<td>Total</td>
<td>100%</td>
</tr>
</tbody>
</table>

**B. MUNICIPALITIES**

There are four municipalities within Deschutes County: the cities of Bend, La Pine, Redmond and Sisters. Marijuana land uses (retail, processing, production, wholesale and testing) currently exist only in Bend and La Pine. The following tables identify the amount of various marijuana operations in both jurisdictions.

**City of Bend**

<table>
<thead>
<tr>
<th>Operation</th>
<th>Permitted</th>
<th>Business Licenses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail</td>
<td>26</td>
<td>25</td>
</tr>
<tr>
<td>Processing</td>
<td>19</td>
<td>13</td>
</tr>
<tr>
<td>Production</td>
<td>15</td>
<td>11</td>
</tr>
<tr>
<td>Wholesale</td>
<td>9</td>
<td>7</td>
</tr>
<tr>
<td>Testing/Laboratory</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

**City of La Pine**

<table>
<thead>
<tr>
<th>Operation</th>
<th>Permitted</th>
<th>Business Licenses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Processing</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Production</td>
<td>6</td>
<td>1</td>
</tr>
</tbody>
</table>

Currently, Redmond and Sisters effectively prohibit marijuana uses because the operations require a business license. Compliance with local, state and federal law is a prerequisite for a business license to be issued. Since marijuana is considered an illegal controlled substance by the federal government, business licenses for a marijuana related uses have not been issued within these municipalities.
Marijuana Land Use

Approved Applications

- + Retail
- ▲ Processing
- ● Wholesaling
- ■ Production

Applications Submitted Through 9/25/2017
C.  MEDICAL MARIJUANA

The Oregon Medical Marijuana Act was established by Ballot Measure 67 in 1998. The Oregon Health Authority (OHA) regulates the cultivation, possession and use of marijuana for medicinal purposes. Federal privacy requirements preclude the state from sharing the locations and size of grow sites under the Oregon Medical Marijuana Program. The table below identifies the number of grow sites within Deschutes County over the past three calendar years. The data provided by OHA does not distinguish grow sites located in the rural county versus cities.

<table>
<thead>
<tr>
<th>Year</th>
<th>Grow Sites</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>1,201</td>
</tr>
<tr>
<td>2016</td>
<td>1,383</td>
</tr>
<tr>
<td>2015</td>
<td>1,742</td>
</tr>
</tbody>
</table>

Source: Oregon Health Authority’s “Medical Marijuana Program Statistical Snapshot” – [www.oregon.gov/oha](http://www.oregon.gov/oha)

Deschutes County did not have standards for medical marijuana uses prior to the adoption of marijuana ordinances in June 2016. The adopted ordinances regulate medical grow sites applying for OHA licensing after June 1, 2016. Furthermore, the ordinances require compliance with lighting, odor, noise and security standards by December 2016 for medical grow sites licensed before June 1, 2016.

D.  INDUSTRIAL HEMP OVERVIEW

The State Department of Agriculture (ODA) regulates industrial hemp. ODA requires a license for production, possession and commerce of hemp. Deschutes County does not regulate hemp because it is defined by state law as a farm crop. Industrial hemp is not marijuana. Industrial hemp and marijuana are regulated differently under Oregon law. Oregon law prohibits hemp to have greater than a 0.3 percent concentration of tetrahydrocannabinol (THC), the psychoactive ingredient in marijuana. Citizens will occasionally ask Deschutes County staff about hemp regulations. Because there are no county standards and the product is recognized as a farm crop, staff directs inquiries to ODA.

For more information, contact the Oregon Department of Agriculture.

   Phone: 503-986-4550
   Email: info@oda.state.or.us
   Website: [www.oregon.gov/oda](http://www.oregon.gov/oda)
IV. MARIJUANA REGULATIONS

Deschutes County marijuana regulations are established to mitigate associated impacts while maintaining the compatibility with surrounding uses. Standards are limited to unincorporated areas. Compliance with state regulations are in addition to those set forth by the County.

Title 18, Section 18.116.330, Deschutes County Zoning Ordinance, lists the criteria for recreational marijuana operations. Section 18.116.340 provides specific standards for medical marijuana production registered by the Oregon Health Authority. Appendix 1 provides an overview of the standards for each use. This information is also readily available on the County’s website and in brochure format at the permit counter of the Community Development Department.

Definitions of each permitted use are provided below.

Production –

The manufacture, planting, cultivation, growing, trimming, harvesting, or drying of marijuana, provided that the marijuana producer is licensed by the Oregon Liquor Control Commission, or registered with the Oregon Health Authority and a person designated to produce marijuana by a registry identification cardholder.

Processing –

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.

Retailing –

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.

Wholesaling –

The purchase of marijuana items for resale to a person other than a consumer, provided that the marijuana wholesaler is licensed by the Oregon Liquor Control Commission.
V. CODE ENFORCEMENT POLICIES AND PROCEDURES

Deschutes County has a robust enforcement program for marijuana operations. The following points highlight the County’s approach toward code and law enforcement with respect to illegal/nonconforming marijuana operations.

- CDD accepts anonymous complaints. The anonymous complaint form can be completed by a citizen, county staff, or a code enforcement technician via a telephone call or email from the complaining party.

- Information is provided on the CDD webpage that details the maximum number of legally allowed marijuana plants – recreational and/or medical – on a property.

- CDD code enforcement has an internal tracking system to record the number of marijuana complaints received. This system includes phone calls, customer contacts in the office and complaints submitted.

- CDD prioritizes the initial investigation of a marijuana grow site to determine whether to refer to law enforcement. If there is no referral to law enforcement (the site is permitted by OLCC or registered with OHA, but violations of County Code exist on the property), then CDD will follow the Code Enforcement Policy and Procedures Manual to correct the violation. Violations involving public health or safety hazards will be high priority – the same as all other health and/or safety violations, but others (i.e., lighting, odor) will not.

In Oregon, a person producing marijuana falls into one of five categories (listed below).

1. They are a business engaged in the recreational production of marijuana with Oregon Liquor Control Commission (OLCC) approval;

2. They are a medical marijuana user with a medical marijuana card issued by the Oregon Health Authority (OHA) and they produce/possess no more than the medical marijuana limit;

3. They produce medical marijuana for others with OHA approval and they produce/possess no more than the medical marijuana limit;

4. They have neither OLCC nor OHA approval but the amount and manner of their production is authorized by the recreational personal amount rules.

5. None of the above apply in which case the producer is committing a crime.

The County is dedicated to ensuring compliance is met for all permitted uses of marijuana operations. The uses that are not in compliance with county code are addressed promptly and appropriately. Appendix two shows a flow chart describing how the county processes a citizen’s inquiry on the legality of a marijuana operation.
APPENDICES
APPENDIX 1 – PRODUCTION STANDARDS

ZONING
Marijuana production is allowed in the following zones:

- **EFU** — Exclusive Farm Use
- **RI** — Rural Industrial (only near Deschutes Junction)
- **MUA-10** — Multiple Use Agriculture

Marijuana Production is a permitted use in the EFU zone and a conditional use in the RI and MUA-10 zones. Before a commercial marijuana production use is established, an applicant needs to receive approval from Deschutes County and the Oregon Liquor Control Commission.

LIMITATION ON LICENSE/GROW SITE PER PARCEL.
No more than one (1) Oregon Liquor Control Commission (OLCC) licensed marijuana production or Oregon Health Authority (OHA) registered medical marijuana grow site shall be allowed per legal parcel or lot.

MINIMUM LOT AREA
5 Acres in the EFU and MUA-10 zones.

INDOOR PRODUCTION
- In the MUA-10 zone, marijuana production shall be located entirely within one or more fully enclosed buildings with conventional or post framed opaque, rigid walls and roof covering. Use of greenhouses, hoop houses, and similar non-rigid structures is prohibited.
- In the EFU zone, marijuana production shall only be located in buildings, including greenhouses, hoop houses, and similar structures.
- In all zones, marijuana production is prohibited in any outdoor area.

MAXIMUM BUILDING FLOOR AREA
In the MUA-10 zone, the maximum building floor area used for all activities associated with marijuana production on the subject property shall be:

- 2,500 square feet on parcels from 5-10 acres.
- 5,000 square feet on parcels +10 acres.

MAXIMUM MATURE PLANT CANOPY SIZE
In the EFU zone, the maximum canopy area for mature marijuana plants shall be:

- 2,500 square feet on parcels 5-10 acres.
- 5,000 square feet on parcels 10-20 acres. The maximum canopy area for mature marijuana plants may be increased to 10,000 square feet upon demonstration by the applicant to the County that:
  1. The marijuana production operation was lawfully established prior to January 1, 2015; and
  2. The increased mature marijuana plant canopy area will not generate adverse impact of visual, odor, noise, lighting, privacy or access greater than the impacts associated with a 5,000 square foot canopy area operation.
- 10,000 square feet on parcels 20-40 acres.
- 20,000 square feet on parcels 40-60 acres.
- 40,000 square feet on parcels +60 acres.

ON SITE RESIDENCY
In the MUA-10 zone, 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; or
3. A person registered with the OHA as a person designated to produce marijuana by a registry identification cardholder, provided that the registration applies to the subject property.

SETBACKS
The following setbacks apply to all marijuana production areas and buildings:

- 100 feet from lot lines.
- 300 feet from an off-site dwelling.

Exception: Reductions to these setback requirements may be granted provided the applicant demonstrates that the reduced setbacks afford equal or greater mitigation of visual, odor, noise, lighting, privacy, and access impacts.

SEPARATION DISTANCES
The use 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.

All distances shall be measured from the lot line of the affected properties to the closest point of the buildings and land area occupied by the operation.

LIGHTING
- Shall not be visible outside the building from 7:00 p.m. to 7:00 a.m.
- 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 projected below the horizontal plane through the lowest light-emitting part.
- Light cast by exterior light fixtures other than marijuana grow lights shall comply with DCC 15.10, Outdoor Lighting Control.

ODOR
- The building shall be equipped with an effective odor control system which must at all times prevent unreasonable interference of neighbors’ use and enjoyment of their property.
- An odor control system is deemed permitted only after the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the system will control odor so as not to unreasonably interfere with neighbors’ use and enjoyment of their property.
- The odor control system shall:
  1. Consist of one or more fans. 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 required CFM; or
2. Utilize an alternative method or technology to achieve equal to or greater odor mitigation than provided by 1. Above.
   • The system shall be maintained in working order and shall be in use.

NOISE
• Sustained noise from mechanical equipment used for heating, ventilation, air condition, odor control, fans and similar functions shall not exceed 30 dB(A) measured at any property line between 10:00 p.m. and 7:00 a.m.
• Intermittent noise for accepted farming practices is permitted.

SCREENING AND FENCING
The following screening standards shall apply to greenhouses, hoop houses, and similar non-rigid structures and land areas used for marijuana production:
• Subject to DCC 18.84, Landscape Management Combining Zone approval, if applicable.
• Fencing shall be finished in a muted earth tone that blends with the surrounding natural landscape and shall not be constructed of temporary materials such as plastic sheeting, hay bales, tarps, etc., and shall be subject to DCC 18.88, Wildlife Area Combining Zone, if applicable.
• Razor wire, or similar, shall be obscured from view or colored a muted earth tone that blends with the surrounding natural landscape.
• The existing tree and shrub cover screening the development from the public right-of-way or adjacent properties shall be retained to the maximum extent possible. This provision does not prohibit maintenance of existing lawns, removal of dead, diseased or hazardous vegetation; the commercial harvest of forest products in accordance with the Oregon Forest Practices Act; or agricultural use of the land.

UTILITY VERIFICATION
A statement from each utility company proposed to serve the operation, stating that each such company is able and willing to serve the operation, shall be provided.

WATER
The applicant shall provide to Deschutes County Community Development Department:
1. A copy of a water right permit, certificate, or other water use authorization from the Oregon Water Resource Department;
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 is from a source that does not require a water right.

SECURITY CAMERAS
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 requirements of the OHA.

SECURE WASTE DISPOSAL
Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OHA Person Responsible for the Grow Site (PRMG).
ACCESS
Marijuana production over 5,000 square feet of canopy area for mature marijuana plants shall comply with the following standards.

- Have frontage on and legal direct access from a constructed public, county, or state road; or
- Have access from a private road or easement serving only the subject property.
- If the property takes access via a private road or easement which also serves other properties, the applicant shall obtain written consent to utilize the easement or private road for marijuana production access from all owners who have access rights to the private road or easement.

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.
APPENDIX 2 – PROCESSING STANDARDS

ZONING
Marijuana processing is allowed in the following zones:

- **EFU** Exclusive Farm Use
- **MUA-10** Multiple Use Agricultural
- **TeC** Terrebonne Commercial
- **TeCR** Terrebonne Commercial Rural
- **TuC** Tumalo Commercial
- **TuI** Tumalo Industrial
- **RI** Rural Industrial
- **SUBP** Sunriver Business Park

Marijuana processing is a permitted use in the EFU (requiring land use review subject to special provision of DCC Section 18.16.025) and RI (excluding extracts) zones. It is a conditional use in the MUA-10, TeC, TeCR, TuC, TuI, RI (including extracts), and SUBP zones.

MINIMUM LOT AREA
5 Acres in the EFU and MUA-10 zones.

SETBACKS
The following setbacks apply to all marijuana processing areas and buildings:

- 100 feet from lot lines.
- 300 feet from an off-site dwelling.

**Exception:** Reductions to these setback requirements may be granted provided the applicant demonstrates that the reduced setbacks afford equal or greater mitigation of visual, odor, noise, lighting, privacy, and access impacts.

SEPARATION DISTANCES
The use 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.

All distances shall be measured from the lot line of the affected properties to the closest point of the buildings and land area occupied by the operation.

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.

MAXIMUM BUILDING FLOOR AREA
In the MUA-10 zone, the maximum building floor area used for all activities associated with marijuana processing on the subject property shall be:

- 2,500 square feet on parcels from 5-10 acres.
- 5,000 square feet on parcels +10 acres.

INDOOR PROCESSING
- In the MUA-10 zone, marijuana processing shall be located entirely within one or more fully enclosed buildings with conventional or post framed opaque, rigid walls and roof covering. Use of greenhouses, hoop houses, and similar non-rigid structures is prohibited.
- In the EFU zone, marijuana processing shall only be located in buildings, including greenhouses, hoop houses, and similar structures.

ON SITE RESIDENCY
In the MUA-10 zone, a minimum of one of the following shall reside in a dwelling unit on the subject property:

2. An owner of the subject property; or
2. A holder of an OLCC license for marijuana processing, provided that the license applies to the subject property; or
3. A person registered with the OHA as a person designated to process marijuana by a registry identification cardholder, provided that the registration applies to the subject property.

LIGHTING
- Shall not be visible outside the building from 7:00 p.m. to 7:00 a.m.
- 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 projected below the horizontal plane through the lowest light-emitting part.
- Light cast by exterior light fixtures other than marijuana grow lights shall comply with DCC 15.10, Outdoor Lighting Control.

NOISE
- Sustained noise from mechanical equipment used for heating, ventilation, air condition, odor control, fans and similar functions shall not exceed 30 dB(A) measured at any property line between 10:00 p.m. and 7:00 a.m.
- Intermittent noise for accepted farming practices is permitted.
ODOR
• The building shall be equipped with an effective odor control system which must at all times prevent unreasonable interference of neighbors’ use and enjoyment of their property.
• An odor control system is deemed permitted only after the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the system will control odor so as not to unreasonably interfere with neighbors’ use and enjoyment of their property.
• The odor control system shall:
  1. Consist of one or more fans. 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 required CFM; or
  2. Utilize an alternative method or technology to achieve equal to or greater odor mitigation than provided by 1. above.
• The system shall be maintained in working order and shall be in use.

SCREENING AND FENCING
The following screening standards shall apply to greenhouses, hoop houses, and similar non-rigid structures and land areas used for marijuana processing:
• Subject to DCC 18.84, Landscape Management Combining Zone approval, if applicable.
• Fencing shall be finished in a muted earth tone that blends with the surrounding natural landscape and shall not be constructed of temporary materials such as plastic sheeting, hay bales, tarps, etc., and shall be subject to DCC 18.88, Wildlife Area Combining Zone, if applicable.
• Razor wire, or similar, shall be obscured from view or colored a muted earth tone that blends with the surrounding natural landscape.
• The existing tree and shrub cover screening the development from the public right-of-way or adjacent properties shall be retained to the maximum extent possible. This provision does not prohibit maintenance of existing lawns, removal of dead, diseased or hazardous vegetation; the commercial harvest of forest products in accordance with the Oregon Forest Practices Act; or agricultural use of the land.

UTILITY VERIFICATION
A statement from each utility company proposed to serve the operation, stating that each such company is able and willing to serve the operation, shall be provided.

WATER
The applicant shall provide:

1. A copy of a water right permit, certificate, or other water use authorization from the Oregon Water Resource Department;
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 is from a source that does not require a water right.

SECURITY CAMERAS
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 requirements of the OHA.
SECURE WASTE DISPOSAL
Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OHA Person Responsible for the Grow Site (PRMG).

FIRE PROTECTION FOR PROCESSING OF CANNABINOID EXTRACTS
Processing of cannabinoid extracts shall only be permitted on properties located within the boundaries of or under contract with a fire protection district.
APPENDIX 3 – RETAIL STANDARDS

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

- **RSC** Rural Service Center
- **TeC** Terrebonne Commercial
- **TeCR** Terrebonne Commercial Rural
- **TuC** Tumalo Commercial
- **TuI** Tumalo Industrial
- **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 be 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.
APPENDIX 4 – WHOLESALE STANDARDS

ZONING
Marijuana wholesaling is allowed in the following zones:

- **RSC**  Rural Service Center
- **TeC**  Terrebonne Commercial District
- **TeCR**  Terrebonne Commercial-Rural District
- **TuC**  Tumalo Commercial
- **RC**  Rural Commercial
- **SUC**  Sunriver Commercial
- **SUBP**  Sunriver Business Park

Where marijuana wholesaling is allowed, the use is subject to site plan review. Marijuana wholesaling is strictly an office use. No storage of marijuana items or products are permitted at the site of the wholesaling use.
APPENDIX 5 – MEDICAL MARIJUANA STANDARDS

The following standards are requirements for existing medical grow sites licensed by the Oregon Health Authority prior to June 1, 2016. When the county adopted regulations for recreational grow sites, standards were also placed on existing (medical) grow sites. Medical growers had to comply with the following standards by September 15, 2016 (for lighting) and December 15, 2016 (for odor, noise, water, security cameras, and secure waste disposal).

LIGHTING
- Shall not be visible outside the building from 7:00 p.m. to 7:00 a.m.
- 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 projected below the horizontal plane through the lowest light-emitting part.
- Light cast by exterior light fixtures other than marijuana grow lights shall comply with Deschutes County Code Chapter 15.10, Outdoor Lighting Control.

ODOR
- The building shall be equipped with an effective odor control system which must at all times prevent unreasonable interference of neighbors’ use and enjoyment of their property.
- An odor control system is deemed permitted only after the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the system will control odor so as not to unreasonably interfere with neighbors’ use and enjoyment of their property.
- The odor control system shall:
  1. Consist of one or more fans. 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 required CFM; or
  2. Utilize an alternative method or technology to achieve equal or greater odor mitigation than provided by 1. above.
- The system shall be maintained in working order and shall be in use.

NOISE
- Sustained noise from mechanical equipment used for heating, ventilation, air condition, odor control, fans and similar functions shall not exceed 30 dB(A) measured at any property line between 10:00 p.m. and 7:00 a.m.
- Intermittent noise for accepted farming practices is permitted.

WATER
The applicant shall provide to Deschutes County Community Development Department:

1. A copy of a water right permit, certificate, or other water use authorization from the Oregon Water Resource Department;
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 is from a source that does not require a water right.
SECURITY CAMERAS
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 requirements of the OHA.

SECURE WASTE DISPOSAL
Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OHA Person Responsible for the Grow Site (PRMG).

ADDITIONAL STANDARDS FOR NEW MEDICAL GROW SITES
In addition to the standards outlined above, new medical marijuana grow sites (licensed after June 1, 2016) are subject to the following standards.

ZONING
New medical marijuana grow sites are allowed in the following zones:

- **EFU** Exclusive Farm Use
- **RI** Rural Industrial (only near Deschutes Junction)
- **MUA-10** Multiple Use Agricultural

Marijuana Production is a permitted use in the EFU zone and a conditional use in the RI and MUA-10 zones.

MINIMUM LOT AREA
5 Acres in the EFU and MUA-10 zones.

SETBACKS
The following setbacks apply to all marijuana production areas and buildings:

- 100 feet from lot lines.
- 300 feet from an off-site dwelling.

**Exception:** Reductions to these setback requirements may be granted provided the applicant demonstrates that the reduced setbacks afford equal or greater mitigation of visual, odor, noise, lighting, privacy, and access impacts.

INDOOR PRODUCTION
- In the MUA-10 zone, marijuana production shall be located entirely within one or more fully enclosed buildings with conventional or post framed opaque, rigid walls and roof covering. Use of greenhouses, hoop houses, and similar non-rigid structures is prohibited.
- In the EFU zone, marijuana production shall only be located in buildings, including greenhouses, hoop houses, and similar structures.
- In all zones, marijuana production is prohibited in any outdoor area.

MAXIMUM BUILDING FLOOR AREA
In the MUA-10 zone, the maximum building floor area used for all activities associated with medical marijuana production on the subject property shall be:

- 2,500 square feet on parcels from 5-10 acres.
- 5,000 square feet on parcels 10+ acres.
MAXIMUM MATURE PLANT CANOPY SIZE
In the EFU zone, the maximum canopy area for mature marijuana plants shall be:

- 2,500 square feet on parcels 5-10 acres.
- 5,000 square feet on parcels 10-20 acres. The maximum canopy area for mature marijuana plants may be increased to 10,000 square feet upon demonstration by the applicant to the County that:
  1. The marijuana production operation was lawfully established prior to January 1, 2015; and
  2. The increased mature marijuana plant canopy area will not generate adverse impact of visual, odor, noise, lighting, privacy or access greater than the impacts associated with a 5,000 square foot canopy area operation.
- 10,000 square feet on parcels 20-40 acres.
- 20,000 square feet on parcels 40-60 acres.
- 40,000 square feet on parcels 60+ acres.

SEPARATION DISTANCES
The buildings and land areas 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.

All distances shall be measured from the lot line of the affected properties to the closest point of the buildings and land area occupied by the operation.

ACCESS
Marijuana production over 5,000 square feet of canopy area for mature marijuana plants shall comply with the following standards.

1. Frontage on and legal direct access from a constructed public, county, or state road;
2. Access from a private road or easement serving only the subject property; or
3. If the property takes access via a private road or easement which also serves other properties, the applicant shall obtain written consent to utilize the easement or private road for marijuana production access from all owners who have access rights to the private road or easement.

ON SITE RESIDENCY
In the MUA-10 zone, 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 person registered with the OHA as a person designated to produce marijuana by a registry identification cardholder, provided that the registration applies to the subject property.

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.
Call OLCC to determine if address is approved for recreational grow

If NO, call OHA to determine if address has a grower or producer with a valid card

If NO, illegal manufacturing might be happening. Law enforcement should handle case

If YES, nothing more to do unless you have reliable info that production is in violation of Desch Cty or OLCC regs

Patient property: Card holder may produce:
6 mature plants max;
12 immature plants max

Producer property w/in residential zone of city:
6 mature plants max;
12 immature plants max

Producer property in unincorporated area or non-residential area of city:
48 mature plants max;
96 immature plants max

If YES, determine from OHA how many growers and users are registered at the address and whether there were registered at that address prior to 2015

NOT registered prior to 2015

Registered prior to 2015

Patient Property:
Card holder may produce:
6 mature plants max;
12 immature plants max

Producer property w/in residential zone of city:
24 mature plants max;
48 immature plants max

Producer property in unincorporated area or non-residential area of city:
96 mature plants max;
192 immature plants max

Registered prior to 2015

NOT registered prior to 2015