



## 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](http://www.deschutes.org/cd)

### STAFF REPORT

**TO:** Board of County Commissioners

**FROM:** Nick Lelack, Director  
Peter Gutowsky, Planning Manager  
Matthew Martin, Associate Planner

**DATE:** March 16, 2016

**SUBJECT:** Marijuana Opt Out 90-Day Check-In / Marijuana Advisory Committee Update

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#### I. SUMMARY

On December 21, 2015, the Board of County Commissioners (Board) unanimously approved Ordinance No. 2015-009, banning or “opting out” of marijuana businesses in unincorporated Deschutes County. Commissioners expressed a desire to have more time to assess “right to farm” impacts and to consider reasonable regulations for businesses that grow, process, and sell marijuana. As part of its decision, the Board expressed intent to form a Marijuana Advisory Committee (MAC). In addition, the Board designated a 90-day “check-in” for on or about March 21, 2016 to receive an update on the progress of the MAC, 2016 Legislative Session, and ordinances adopted by other counties.

#### II. MAC BACKGROUND

On February 3, 2016, the Board appointed a 13-member MAC, charged with developing and recommending reasonable time, place, and manner land use regulations to mitigate the impacts of medical and recreational marijuana uses – especially production. Regulations could address sight, sound, smell, size/scale, location, security, and other impacts associated with marijuana land uses. The regulations would be necessary if either the Board or county voters decide to rescind the opt-out ordinance.

#### III. MEETING SCHEDULE

The MAC met 5 consecutive weeks beginning February 10. The first two meetings were 3 hours in length. Subsequent meetings were extended to 4 hours to provide additional time, given the subject matter. On March 7, the Board authorized the MAC to hold 2 additional meetings after recognizing the need and interest to continue discussing regulatory concepts. The MAC’s final meetings are scheduled for:

- March 31, 2016 4:00pm - 8:00pm
- April 7, 2016 4:00pm - 8:00pm

#### **IV. RECOMMENDATIONS TO DATE**

Similar to staff's original proposal as well as the Planning Commission's recommendation, the MAC has considered regulatory standards that would be applicable to both recreational and medical marijuana related uses, unless otherwise specified. Per the Board's request, the MAC generally has considered the Planning Commission's recommendations first. In addition, the MAC has reviewed Clackamas and Lane County's adopted ordinances and Jackson County's Planning Commission recommendation.

The MAC has agreed that all its recommendations will be "provisional" until it completes its work, at which time it will finalize its recommendations to the Board.

The MAC's provisional recommendations to date are summarized in the attached matrices. Each use category (wholesale, retail, processing, and production) includes a zoning matrix and a specific use standards matrix, with the following information:

##### Zoning Matrix

- Zones
- Original Proposal
- Planning Commission Recommendation
- MAC Provisional Recommendations

(Zoning matrices for production and processing are not attached because the MAC has not yet developed recommendations on zones.)

##### Specific Use Standards Matrix

- Specific Use Standard
- MAC Provisional Recommendations
- Original Proposal
- Planning Commission Recommendation
- Clackamas County Adopted Standards
- Jackson County Planning Commission Recommendation
- Oregon Liquor Control Commission Rules (recreational marijuana)
- Oregon Health Authority Rules (medical marijuana)

Note that while Lane County's adopted provisions are not included in the matrices, they were distributed to and are considered by the MAC.

The MAC is working under a consensus process rather than a direct up or down vote. The short timeframe, however, sometimes precludes a full discussion of differences of opinion that might result in consensus. Where full consensus is not reached on a particular issue, the parties are afforded the opportunity to submit a position report on the various points of view. These reports will be included in the final committee report.

The MAC has completed review of marijuana retail and wholesale, both specific use standards and zones, and is in the process of reviewing and discussing specific use standards for marijuana production and processing in the Exclusive Farm Use (EFU) zones. If time permits, which does not appear likely, the MAC will discuss where (other zones) and how (specific use standards) marijuana production and processing might be allowed elsewhere.

## **V. BOARD DIRECTION**

Please find below a list of standards yet to be addressed by the MAC pertaining to production and processing in the EFU zone. (It has completed its discussion on home occupation, odor, lighting, and noise.) Members may propose additional standards. Given the limited time and significant issues, staff seeks direction from the Board on whether it has other priorities or preferences beyond those listed below for the MAC to discuss. In addition, in case the MAC does not have enough time to develop recommendations for all remaining standards, staff seeks direction from the Board regarding which of these are its highest priorities.

- a) Access (MAC discussion/recommendation in progress)
- b) Fire protection
- c) Water
- d) Temporary residences prohibited
- e) Maximum building floor size / Enclosed production only / Indoor-outdoor (including indoor processing)/ Limit the number of licenses / Size limits (production only)
- f) Outdoor storage prohibited (processing only)
- g) Screening / Fencing / Security / Security cameras / Secure disposal
- h) Processing method limitation (processing only)
- i) Minors
- j) Consumption
- k) Minimum separation / Setbacks / Additional setback / Minimum lot or parcel size
- l) Inspections

## **VI. NEXT STEPS**

After the MAC completes its scheduled meetings, the next steps are:

- 4/15/16 MAC members submit final reports (areas of non-consensus)
- 4/20/16 MAC final report issued for Board work session packet and website
- 4/27/16 Board work session

At the Board work session, staff and MAC members will summarize the MAC Final Report and seek direction on how to proceed. Options include, but are not limited to:

### **Continue the Opt Out**

1. Continue opt out moratorium as adopted and refer to voters in November.
2. Decide whether to regulate existing medical marijuana production/grow sites. If yes, then
  - a. Proceed to deliberations; or
  - b. Conduct public hearing with the Board; or
  - c. Send it back to the Planning Commission to conduct work sessions or public hearings prior to a Board hearing; or

- d. Establish a process to complete and adopt recreational marijuana regulations if voters rescind the opt-out ordinance at the November 2016 General Election; or <sup>1</sup>
- e. Take no further action; or
- f. Other.

### **Opt In**

1. Rescind the Opt Out ordinance for one, some, or all of the six (6) marijuana related uses. If the Board selects this option, staff recommends commissioners adopt reasonable regulations prior to rescinding the opt out ordinance. The Board will need to decide whether to adopt the reasonable regulations by emergency (take effect immediately or, for example, in 30 days) or standard procedure (effect in 90 days).
2. Initiate review/adoption process to regulate medical and recreational marijuana uses. The process may consist of:
  - a. Proceed to deliberations; or
  - b. Conduct public hearing with the Board; or
  - c. Send it back to the Planning Commission to conduct work session or public hearings prior to a Board hearing; or
  - d. Take no further action; or
  - e. Other.

As indicated above, one key question for the Board is whether the Planning Commission will play any role in the final adoption process. The Planning Commission is not required to conduct any additional hearings prior to the Board taking action.

### **Attachments:**

Marijuana Retail/Wholesale Zoning Matrix  
Marijuana Retail Specific Use Standards Matrix  
Marijuana Wholesale Specific Use Standards Matrix  
Marijuana Production Specific Use Standards Matrix  
Marijuana Processing Specific Use Standards Matrix

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<sup>1</sup> The Board has approximately 30 days to enact reasonable regulations after the election.

## MARIJUANA RETAIL AND WHOLESALE SUMMARY OF ZONES FOR CONSIDERATION TO ALLOW

	ORIGINAL PROPOSAL		PLANNING COMMISSION RECOMMENDATION		MAC PROVISIONAL RECOMMENDATIONS	
Permitted (P) Conditional Use (CU) Not Allowed (-)						
Zone	Retail	Wholesale (Recreational)	Retail	Wholesale (Recreational)	Retail	Wholesale (Recreational)
		P-office only CU-with storage		Office Only NO storage		Consensus: Office Only
TITLE 18 – Deschutes County						
18.65 RURAL SERVICE CENTER - UC					Consensus	Consensus
18.65.020 Commercial Mixed Use District (Brothers, Hampton, Millican, Whistlestop, Wildhunt)	CU	P	CU	P	CU	P
18.65.021 Commercial Mixed Use (Alfalfa)	CU	P	CU	P	CU	P
18.66 TERREBONNE RURAL COMMUNITY						
18.66.040 Commercial - TeC	P	P/CU	CU	P	CU	P
18.66.050 Commercial Rural - TeCR	P	P/CU	CU	P	CU	P
18.67 TUMALO RURAL COMMUNITY						
18.67.040 Commercial - TuC	P	P/CU	CU	P	CU	P
18.67.060 Industrial - Tul	CU	-	CU	-	CU	-
18.74 RURAL COMMERCIAL						
18.74.020 Deschutes Junction and Deschutes River Woods Store	CU	-	CU	-	CU	-
18.74.025 Spring River	CU	-	CU	-	CU	-
18.74.027 Pine Forest and Rosland	CU	P	CU	P	CU	P
18.100 Rural Industrial	CU	-	CU	-	CU	-
18.108 SUNRIVER UUC						
18.108.050 Commercial - SUC	CU	P	CU	P	CU	P
18.108.055 Town Center - TC	CU	-	CU	-	CU	-
18.108.110 Business Park – SUBP	CU	P/CU	CU	P	CU	P
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						

**Related definitions originally proposed and recommended by the Planning Commission**

“Marijuana retailing” means 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.

“Marijuana wholesaling” means 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.

# MARIJUANA RETAIL (RECREATIONAL AND MEDICAL) SPECIFIC USE STANDARDS FOR CONSIDERATION

Definition originally proposed and recommended by the Planning Commission

“Marijuana retailing” means 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.

	MAC PROVISIONAL RECOMMENDATIONS	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY ADOPTED	JACKSON COUNTY PC RECOMMENDATION	OLCC (Recreational)	OHA (Medical)
Home Occupation	<b>CONSENSUS</b> Prohibited. (February 17)	Prohibited	Prohibited	Prohibited	Prohibited		
Waste Disposal	<b>CONSENSUS</b> Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the licensee. (February 17)	<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>	Marijuana waste shall be stored 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 or OHA registrant.	No marijuana remnants or by-products shall be placed within the facility's exterior refuse containers.	Store marijuana waste in a secured waste receptacle in the possession of and under the control of the licensee.	
Minimum Separation Distances	<p><b>CONSENSUS</b></p> <ul style="list-style-type: none"> <li>Require a separation of 1000 feet from public and private elementary and secondary schools, licensed child care centers (excluding in-home child care), licensed pre-schools, national monuments and state parks, and all approved/licensed youth activity centers; and require a separation of 1000 feet between all retail outlets (medical and recreational).</li> <li>A change in use (e.g., a new school) shall not cause a violation of this standard.</li> <li>Separation is to be measured from the lot line of the school.</li> </ul> <p>(February 22)</p> <p><b>NO CONSENSUS</b> Add churches to the list of locations that must be 1000 feet from a marijuana retail or dispensary operation. (March 2)</p> <p><b>NO CONSENSUS</b> There was no consensus reached on several proposals</p>	<ul style="list-style-type: none"> <li>1,000 from public/private elementary schools, licenses child care center, licensed preschool, and marijuana retailers.</li> <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 retailer.</p>	<ul style="list-style-type: none"> <li>1000 from public/private 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.</li> <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 retailer.</p>	<ul style="list-style-type: none"> <li>100 feet from residentially-zoned property except if street frontage on principal interstate, expressway, etc.</li> <li>2,000 feet from elementary or secondary schools, including property and parking lots</li> <li>1,500 feet from public parks, playgrounds, libraries; government-owned recreational use, licensed treatment center, light rail transit station or multi-family dwelling owned by a public housing authority</li> <li>500 feet from a licensed daycare facility or preschool, including associated property and parking lot</li> <li>1,000 feet for other marijuana retailer of the same type (e.g., recreational or medical)</li> <li>1,000 feet from any other marijuana retailer so licensed by the OLCC.</li> <li>1,000 feet from any other marijuana retailer</li> </ul>	<p>Shall not be within:</p> <ul style="list-style-type: none"> <li>One mile of the Veterans Administration Southern Oregon Rehabilitation Center and Clinics.</li> <li>1,000 feet of the Jackson County Transition Center.</li> <li>250 feet of residentially zoned property within the White City Urban Unincorporated Community Boundary.</li> <li>1,000 feet of a public park, excluding the Bear Creek Greenway.</li> <li>1,000 feet of an Interstate 5(1-5) interchange. The interchange is defined as the bridge structure over 1-5 including all on and off ramp termini.</li> <li>1,000 feet from a public elementary or secondary school.</li> <li>1,000 feet of another marijuana retail sales facility.</li> <li>1,000 feet of another medical marijuana facility.</li> </ul> <p><b>Distance Calculation:</b> For the purposes of determining the distance</p>	<ul style="list-style-type: none"> <li>May not be located within 1,000 feet of public/private/parochial elementary or secondary school.</li> <li>Local standard cannot require greater than 1,000 feet from another retail marijuana premises.</li> </ul>	<ul style="list-style-type: none"> <li>1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors.</li> <li>Must not be located within 1,000 feet of another medical marijuana facility.</li> </ul>

	<p>for measuring separation distance, as follows (however, there was consensus in the above recommendation):</p> <ul style="list-style-type: none"><li>▪ Defer to current state regulations for how separation [between uses] is measured, acknowledging that they may change; if the state makes those regulations less strict, the County will keep their stricter regulations. If the state makes their regulations stricter, the County would have to conform to the stricter standard.</li><li>▪ Use the Clackamas County measurement method, from the lot line of a school, etc., to the closest point of the space occupied by a marijuana retailer.</li><li>▪ Measure separation from property line to property line to avoid encroachment where children are located.</li><li>▪ Measure separation in the way that the state regulations or law prescribes, even as it changes.</li></ul> <p>(February 22)</p> <p><b>NO CONSENSUS</b></p> <p>Allow no retail marijuana facilities be allowed near public playgrounds, meeting places available for rent such as The Grange, and Deschutes public libraries. (February 22)</p>			<p>so registered with the OHA.</p> <ul style="list-style-type: none"><li>• Change of use to listed use shall not cause violation of this standard.</li></ul> <p><b>Distance Calculation:</b></p> <p>The distance shall be measured from the lot line of the affected property (e.g., a school) to the closest point of the building space occupied by the marijuana retailer. For retail to retail separation distance 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</p>	<p>between a marijuana retail sales facility/medical marijuana facility and another marijuana retail sales facility/medical marijuana facility "within 1,000 feet" means a straight line measurement in a radius extending 1,000 feet or less in every direction from the closest point anywhere on the premises of a marijuana retailer to the closest point anywhere on the premises of a marijuana retailer.</p>		
Hours	<p><b>NO CONSENSUS</b></p> <p>There was no consensus reached on several proposals for hours of operation, as follows:</p> <ul style="list-style-type: none"><li>▪ 7:00 a.m. until 10:00 p.m.</li><li>▪ 10:00 a.m. until 5:00 p.m.</li><li>▪ March 1 through October 31, 7 a.m. to 10 p.m. and November 1 to the end of February, 9 a.m. to 7 p.m.</li><li>▪ 10:00 a.m. until 7:00 p.m.</li><li>▪ 9:00 a.m. until 9:00 p.m.</li><li>▪ 10:00 a.m. until 7:00 p.m. everywhere except in the Spring River area due to the</li></ul>	10:00 to 7:00 p.m.	10:00 to 7:00 p.m.	10:00 a.m. to 9 p.m.	9:00 a.m. to 7:00 p.m.	7:00 a.m. to 10:00 p.m.	

	level of tourism there, where hours would be 7:00 a.m. until 10:00 p.m. (February 22)						
<b>Window Service</b>	<b>CONSENSUS</b> No window service at retail outlets. (February 22)	Shall not have a walk-up window or drive-thru window service.	Shall not have a walk-up window or drive-thru window service.	Shall not have a walk-up window or drive-thru window service.		A licensee may not sell any marijuana item through a drive-up window.	
<b>Minors</b>	<b>CONSENSUS</b> A minimum age of 18 years for medical marijuana and 21 years for recreational marijuana. (February 22)  <b>NO CONSENSUS</b> No minors allowed, unless accompanying a parent or guardian as allowed by state law. (February 22)	No minors allowed, unless accompanying a parent or guardian as allowed by state law.	No minors allowed, unless accompanying a parent or guardian as allowed by state law.	No minors allowed, unless accompanying a parent or guardian as allowed by state law.		No minors permitted anywhere on premises.	
<b>Co-Location</b>	<b>CONSENSUS</b> Shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club. (February 22)	Shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club.	Shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club.	No retail on same lot as marijuana smoking or social club.			
<b>Odor Control</b>	<b>NO CONSENSUS</b> It shall be unlawful for any person to cause an emission of a detectable odor that unreasonably interferes with the use and enjoyment of neighboring premises, with reasonable being judged as someone with normal sensibilities. (February 22)  <b>NO CONSENSUS</b> Adopt the Jackson County odor control regulations, plus the requirement that filters be changed according to manufacturers' minimum standards, and requesting the BOCC to ensure the CFM of the fan is appropriate to the building. (February 22)			<ul style="list-style-type: none"> <li>The building shall be 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 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. 3. 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</li> </ul>	<ul style="list-style-type: none"> <li>A building used for marijuana retailing shall be equipped with a carbon filtration system for odor control.</li> <li>The system shall consist of one or more fans and filters.</li> <li>At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the square footage of the building floor space (i.e., one CFM per square foot of building floor space).</li> <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>		

				<p>remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.</p> <ul style="list-style-type: none"><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 841.04(B).</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>			
<b>Grandfather existing medical marijuana dispensaries</b>	<b>NO CONSENSUS</b> Any existing permitted medical marijuana facility in the County would be permitted to expand to recreational marijuana as a permitted use, and subject to any OLCC or other rules and regulations. (March 2)			<ul style="list-style-type: none"><li>•</li></ul>	<ul style="list-style-type: none"><li>•</li></ul>		
<b>Outdoor Patio Space</b>	<b>NO CONSENSUS</b> No public outdoor patio space for marijuana-only retailers that would be visible from the public view. (March 2)			<ul style="list-style-type: none"><li>•</li></ul>	<ul style="list-style-type: none"><li>•</li></ul>		

# MARIJUANA WHOLESALE (RECREATIONAL MARIJUANA ONLY) SPECIFIC USE STANDARDS FOR CONSIDERATION

Definition originally proposed and recommended by the Planning Commission:

“Marijuana wholesaling” means 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.

	MAC PROVISIONAL RECOMMENDATIONS	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY ADOPTED	JACKSON COUNTY PC RECOMMENDATION	OLCC (Recreational)
Home Occupation	<b>NO CONSENSUS</b> Allow wholesale operations as a home occupation. (February 17)	Prohibited	Prohibited	Prohibited	Prohibited	
Office Only	<b>CONSENSUS</b> Office only with no on-site storage of marijuana items or products. (February 17)		Office only with no on site storage of marijuana items or products.			
Secure Disposal	N/A because no storage is allowed.	<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>			Marijuana waste shall be stored in a secured waste receptacle in the possession of and/or under the control of the licensee.	
Minimum Separation Distances	N/A because no storage is allowed.	<ul style="list-style-type: none"> <li>1000 from public/private elementary or secondary schools, licenses child care center, and licensed preschool.</li> <li>Change of use (i.e. new school) shall not cause violation of this standard.</li> </ul> <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.				
Co-Location	N/A because no storage is allowed.	Shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club.				
Outdoor Storage	N/A because no storage is allowed.				Outdoor storage is prohibited.	
Samples/Consumption	N/A because no storage is allowed.				Samples may be provided to marijuana licensee but product may not be consumed on the property.	
Inspections	<b>NO CONSENSUS</b> Require random, annual, unannounced inspections by County Code Enforcement. (February 17)	Not considered.	Not considered.			

MARIJUANA PRODUCTION  
(RECREATIONAL AND MEDICAL)  
SPECIFIC USE STANDARDS FOR CONSIDERATION

Related Definition Originally Proposed And Recommended By The Planning Commission:

“**Marijuana Production**” means 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.”

LAND USE / DEVELOPMENT STANDARDS	MAC PROVISIONAL RECOMMENDATIONS EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
Home Occupation	CONSENSUS Prohibited. (March 2)	Prohibited	Prohibited	Prohibited	Prohibited		
Minimum Lot Size		<u>In the RR-10, MUA-10, F-1, and F-2 Zones:</u> Minimum parcel size shall be <b>5 acres</b> .	<u>In the EFU zone:</u> Minimum parcel size shall be <b>20 acres</b> .  Production not permitted in the RR-10, MUA-10, F-1, and F-2 Zones. Therefore, the originally proposed minimum parcel size is not applicable.	<u>In the FF-10 and RRFF-5 Districts:</u> <b>5-acre minimum</b> , except that if the majority of abutting properties are equal to or greater than 2 acres, the subject property shall be a <b>minimum of 2 acres</b> . 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.  <u>In the AG/F, EFU, and TBR Districts:</u> <b>2-acre minimum</b> , except that if outdoor production is proposed, the subject property shall be a <b>minimum of five acres</b> . Outdoor production means producing marijuana: 1. In an expanse of open or cleared ground; or 2. In a greenhouse, hoop house, or similar non-rigid structure that does not utilize any artificial lighting on mature marijuana plants, including but not limited to electrical lighting sources. A mature marijuana plant is a marijuana plant that is flowering.			

LAND USE / DEVELOPMENT STANDARDS	MAC PROVISIONAL RECOMMENDATIONS <b>EFU ONLY</b>	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
<b>Yard Setback</b>		No land area or structure used for marijuana production shall be located closer than <b>100 feet</b> from any lot line.	No land area or structure used for marijuana production shall be located closer than <b>200 feet</b> from any lot line.	<p><u>In the FF-10 and RRFF-5 Districts:</u> <b>50 feet</b> minimum setback from all property lines for any structure used for marijuana production.</p> <p><u>In the AG/F, EFU, and TBR Districts:</u> Outdoor production, as defined above, shall be a minimum of <b>100 feet</b> from all lot lines.</p>	<p><u>In the Rural Residential and Rural Use Zoning Districts:</u></p> <ol style="list-style-type: none"> <li>No land area or structure used for medical marijuana production shall be located closer than <b>250 feet</b> from any property line.</li> <li>If the property line abuts a public or private road or a waterway those features will be included in the setback area.</li> <li>Setback requirement will not take effect until March 1, 2017. If permitted before March 1, 2017, medical marijuana production not meeting the setbacks above will not be considered non-conforming uses as defined in Jackson County Code.</li> </ol>		
<b>Additional Setback</b>		No land area or structure used for marijuana production can be within <b>300 feet</b> from an existing dwelling unit not located on the same property.	No land area or structure used for marijuana production can be within <b>300 feet</b> from an existing dwelling unit not located on the same property.				
<b>Minimum Separation Distances</b>		<ol style="list-style-type: none"> <li>1000 feet from public/private elementary schools, licenses child care center, and licensed preschool</li> <li>Change of use (e.g. new school) shall not cause violation of this standard.</li> </ol> <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 producer.</p>	<ol style="list-style-type: none"> <li>1000 feet from public/private elementary and secondary schools, licenses child care center, licensed preschool, parks, and all approved/licensed youth activity centers (e.g., Boys &amp; Girls Club) with a 501c3 status or description stating youth activities, excluding in-home child care.</li> <li>Change of use (e.g. new school) shall not cause violation of this standard.</li> </ol> <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 producer.</p>				

LAND USE / DEVELOPMENT STANDARDS	MAC PROVISIONAL RECOMMENDATIONS EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
Odor	<p><b>CONSENSUS</b></p> <p>A “building” is any building, including greenhouses, hoop houses, and other similar structures, used for marijuana production or marijuana processing. (March 2)</p> <p><b>CONSENSUS</b></p> <ol style="list-style-type: none"><li>Buildings for production and processing in EFU shall be equipped with an effective odor control system that prevents unreasonable interference of neighbors’ use and enjoyment of their property</li><li>An odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the system will control odor.</li><li>Private citizen complaints about odor are authorized, as judged by persons of ordinary sensibilities.</li><li>The system shall consist of one 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 by three.</li><li>The filter(s) shall be rated for the required CFM.</li><li>The system shall be maintained in working order and shall be in</li></ol>	<p>Buildings and Greenhouses shall:</p> <ol style="list-style-type: none"><li>Be equipped with carbon filtration system for odor control.</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 by three.</li><li>The filter(s) shall be rated for the required CFM.</li></ol>	<p>Buildings and Greenhouses shall:</p> <ol style="list-style-type: none"><li>Be equipped with carbon filtration system for odor control.</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 by three.</li><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></ol>	<p>The building shall be:</p> <ol 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 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.</li><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></ol>	<p><u>In the Rural Residential and Rural Use Zoning Districts (it is unclear but assumed this is also applicable to EFU and Forest Zoning Districts):</u></p> <p>A building used for marijuana production shall be:</p> <ol style="list-style-type: none"><li>Equipped with a carbon filtration system for odor control.</li><li>The system shall consist of one or more fans and filters.</li><li>At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the square footage of the building floor Space (i.e., one CFM per square foot of building floor space.</li><li>The filter(s) shall be rated for the applicable CFM. 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></ol>		

LAND USE / DEVELOPMENT STANDARDS	MAC PROVISIONAL RECOMMENDATIONS EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
	use. (March 9)						

LAND USE / DEVELOPMENT STANDARDS	MAC PROVISIONAL RECOMMENDATIONS EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
Lighting	<b>CONSENSUS</b>  1. Inside building lighting used for marijuana production shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. on the following day. 2. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day. 3. Light cast by exterior light fixtures other than marijuana grow lights (i.e. security lights) shall not trespass onto adjacent lots. 4. 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. 5. This lighting standard will apply to existing production and processing sites after one year. (March 9)	1. 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. 2. Outdoor marijuana grow lights shall not be illuminated from sunset to sunrise the following day. 3. Light cast by exterior light fixtures shall comply with the outdoor lighting standards of DCC 15.10.	General consensus to mitigate light and preserve dark skies, but no consensus on to what extent or method (e.g. require shielding or obscuring roof/walls of greenhouses). 1. 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. 2. Outdoor marijuana grow lights shall not be illuminated from sunset to sunrise the following day. 3. Light cast by exterior light fixtures shall comply with the outdoor lighting standards of DCC 15.10.	1. 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. 2. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day. 3. Light cast by exterior light fixtures other than marijuana grow lights (e.g., security lights, driveway lights) shall not be directed skyward and shall be directed within the boundaries of the subject property.	1. Inside building lighting used for marijuana production shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. on the following day. 2. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day. 3. Light cast by exterior light fixtures other than marijuana grow lights (i.e. security lights) shall not trespass onto adjacent lots. 4. 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.		
Noise	<b>CONSENSUS</b>  1. Marijuana processing and production sites in EFU shall comply with the Noise Control Standards of DCC 8.08. 2. Noise from mechanical equipment used shall not produce sound that, when measures at any lot line of the subject property, exceed 50 dB(A) anytime between 10:00 pm and 7:00 am the	1. Comply with the Noise Control Standards of DCC 8.08 2. Noise from mechanical equipment used shall not produce sound that, when measured at any lot line of the subject property, exceed <b>50 dB(A)</b> anytime between 10:00 p.m. and 7:00 a.m. the following day.	Move to Noise Control Ordinance 8.08, and apply to all marijuana production building and mechanical equipment outside of an 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 <b>50 dB(A)</b> .	<u>In the Rural Residential and Rural Use Zoning Districts:</u> The applicant shall submit a noise study by an acoustic engineer licensed in the State of Oregon. The study shall demonstrate that the 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 <b>60 dB(A)</b> .		

LAND USE / DEVELOPMENT STANDARDS	MAC PROVISIONAL RECOMMENDATIONS EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
	<p>following day.</p> <p>3. This standard applies to existing medical marijuana sites, as well as any prospective sites.</p> <p>(March 9)</p>						
Limit the Number of licenses per parcel			Consider limiting the number of OLCC production licenses of one type on a parcel to 1 indoor and 1 outdoor license per 10 or 20 acres.				
Enclosed Production Only		<u>In the RR-10, MUA-10, F-1, F-2 zones:</u> Marijuana production shall be located entirely within one or more completely enclosed buildings, including greenhouses.	Production not permitted in the RR-10, MUA-10, F-1, and F-2 Zones. Therefore, the originally proposed indoor production requirement is not applicable.	<u>In the FF-10 and RRF-5 Districts:</u> Marijuana production shall be located entirely within one or more completely enclosed buildings.			

LAND USE / DEVELOPMENT STANDARDS	MAC PROVISIONAL RECOMMENDATIONS EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
Maximum Building Floor Space		<p><u>In the RR-10, MUA-10, F-1, F-2 zones:</u></p> <p>a. A maximum of 5,000 square feet of building space may be used for all activities associated with marijuana production on the subject property.</p> <p>b. If only a portion of a building is authorized for use in marijuana production, 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 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 space and the remainder of the building.</p>	<p>Production not permitted in the RR-10, MUA-10, F-1, and F-2 Zones. Therefore, the originally proposed maximum building space requirement is not applicable.</p>	<p><u>In the FF-10 and RRRF-5 Districts:</u></p> <p>1. A maximum of 5,000 square feet of building floor space may be used for all activities associated with marijuana production on the subject property.</p> <p>2. If only a portion of a building is authorized for use in marijuana production, 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 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 space and the remainder of the building.</p>			
Screening		<p>Land area and buildings, including greenhouses, shall be screened in the following manner:</p> <p>1. 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.</p> <p>2. Vegetation shall be continuously maintained.</p> <p>3. Combination of existing vegetation, berming, topography, wall, fence, or other can be used.</p> <p>4. 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>Do not apply to buildings and greenhouses for new operations because OLCC's security and site obscuring requirements combined with Planning Commission recommendations (e.g. increased setbacks) will mitigate impacts.</p> <p>These standards should only apply to existing, non-conforming operations, including buildings and greenhouses to mitigate impacts:</p> <p>1. 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.</p> <p>2. Vegetation shall be continuously maintained.</p> <p>3. Combination of existing vegetation, berming, topography, wall, fence, or other can be used.</p> <p>4. 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>				

LAND USE / DEVELOPMENT STANDARDS	MAC PROVISIONAL RECOMMENDATIONS EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
Water		Proof of a water right for the proposed marijuana production or marijuana processing, or proof of access to a public or community water system.	Proof from the Watermaster that proposed water supply complies all applicable local, state, and federal laws.	The applicant shall submit: 1. A water right permit or certificate number for the proposed marijuana production; 2. A statement that water is supplied from a public or private water provider, along with the name and contact information of the water provider; or 3. Proof from the Oregon Water Resources Department that the water to be used for marijuana production is from a source that does not require a water right.	The applicant shall provide: 1. A water right permit or certificate number; or 2. A statement that water is supplied from a water provider, along with the name and contact information of the public water provider; or 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. 4. Private water provision is allowed, only as a secondary water source, to be used only when the other sources described herein are not available.	The applicant shall provide: 1. A water right permit or certificate number; 2. A statement that water is supplied from a public or private water provider, along with the name and contact information of the water provider; or 3. Proof from the Oregon Water Resources Department that the water to be used for production is from a source that does not require a water right.	1. A medical marijuana producer must have: a. A water right for irrigation or nursery use; b. Water supplied from a public or private water provider that has a legal authorization to use water; or c. Proof from the Oregon Water Resources Department that the water to be used for producing marijuana is from a source that does not require a water right. 2. A medical marijuana producer must document the information in section (1) of this rule and provide that information to the Authority upon request.

LAND USE / DEVELOPMENT STANDARDS	MAC PROVISIONAL RECOMMENDATIONS EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
Access	<p><b>NO CONSENSUS</b> Adopt the Planning Commission recommendation for access to marijuana processing and production sites in EFU, substituting “a majority of property owners” for “all property owners.” (March 9)</p> <p><b>NO CONSENSUS</b> No access restrictions to marijuana processing and production sites in EFU. (March 9)</p>	<p>1. 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.</p> <p>2. 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.</p>	<p>1. 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.</p> <p>2. 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.</p>	<p>1. 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.</p> <p>2. 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 described in the application. Such evidence shall include any conditions stipulated in the agreement.</p>	<p><u>In the Rural Residential and Rural Use Zoning Districts:</u></p> <p>1. The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on a private road or easement serving only the subject property.</p> <p>2. 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, which a majority of other property owners who have access rights to the private road or easement agree to allow the specific marijuana production described in the application. The petition shall include any conditions stipulated to, by the parties, and shall be recorded.</p>		
Security Cameras		Shall be directed to record only the subject property and public rights-of-way.	If 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).	If used, security cameras 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).	If 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 or registration requirements of the Oregon Health Authority.	See OAR 845-025-1430, Video Surveillance Equipment	See OAR 333-008-2110 (Draft), Video Surveillance Equipment

LAND USE / DEVELOPMENT STANDARDS	MAC PROVISIONAL RECOMMENDATIONS EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
Secure Disposal		<ol 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> </ol>	Store marijuana waste 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 OLCC licensee.	<p>In the Rural Residential and Rural Use Zoning Districts:</p> <ol style="list-style-type: none"> <li>Marijuana waste shall be stored in a secured waste receptacle, and in the possession of and under the control of the licensee.</li> <li>Composting of marijuana waste is limited to waste from the permitted premises.</li> <li>Marijuana waste burning is prohibited.</li> </ol> <p>In the EFU and Forest Zoning Districts:</p> <ol style="list-style-type: none"> <li>Marijuana waste shall be stored in a secured waste receptacle, and in the possession of and under the control of the licensee.</li> <li>Marijuana waste burning is prohibited.</li> </ol>	Store marijuana waste 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 Person Responsible for the Grow Site (PRMG).
On Site Residency		<p><u>In the RR-10, MUA-10, F-1, F-2 zones:</u></p> <p>An owner of the subject property shall reside in a dwelling unit on the subject property.</p>	Production not permitted in the RR-10, MUA-10, F-1, and F-2 Zones. Therefore, the originally proposed residency requirement is not applicable.	<p><u>In the FF-10 and RRFF-5 Districts,</u> a minimum of one of the following shall reside in a dwelling unit on the subject property:</p> <ol style="list-style-type: none"> <li>An owner of the subject property; or</li> <li>A holder of an OLCC license for marijuana production, provided that the license applies to the subject property.</li> </ol>			

LAND USE / DEVELOPMENT STANDARDS	MAC PROVISIONAL RECOMMENDATIONS EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
Inspections			<ol style="list-style-type: none"> <li>County to conduct inspections of each approved site in 1-2 years to determine compliance and to learn what’s working and what’s not.</li> <li>Require property owner to grant County access to conduct the inspection.</li> </ol>			<ol style="list-style-type: none"> <li>The commission may conduct: <ol style="list-style-type: none"> <li>A complaint inspection at any time following the receipt of a complaint that alleges a licensee or permittee is in violation of applicable State laws;</li> <li>An inspection at any time if it believes, for any reason, that a licensee or permittee is in violation of applicable State laws; or</li> <li>Compliance transactions in order to determine whether a licensee or permittee is complying with applicable State laws</li> </ol> </li> <li>A licensee, licensee representative, or permittee must cooperate with the Commission during an inspection.</li> <li>If licensee, licensee representative or permittee fails to permit the Commission to conduct an inspection the Commission may seek an investigative subpoena to inspect the premises and gather books, payrolls, accounts, papers, documents or records.</li> </ol>	<ol style="list-style-type: none"> <li>The Authority may inspect the following to ensure compliance with applicable State laws: <ol style="list-style-type: none"> <li>The marijuana grow site of a medical marijuana producer; and</li> <li>The records of a medical marijuana producer.</li> </ol> </li> <li>The Authority may inspect: <ol style="list-style-type: none"> <li>A medical marijuana producer’s grow site address at any reasonable time to determine whether a producer is in compliance with applicable State laws; and</li> <li>Any grow site address if there is a reasonable basis for believing that a PRMG is in violation of applicable State laws.</li> </ol> </li> <li>If an individual at a grow site address fails to permit the Authority to conduct an inspection or if the Authority requires access to a grow site address and cannot obtain permission the Authority may seek an administrative warrant authorizing the inspection pursuant to ORS 431.262.</li> </ol>

LAND USE / DEVELOPMENT STANDARDS	MAC PROVISIONAL RECOMMENDATIONS EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
Non Conformance: Applying to lawfully established medical marijuana sites that continue to by only medical marijuana sites		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.				
Fencing					Fencing, as required by State law, shall not be constructed of temporary materials such as plastic sheeting, hay bales, tarps, etc.		
Temporary Residences Prohibited					Use of tents, and recreational or camping vehicles as living space is not allowed in conjunction with marijuana production.		
Minors						Minors are not permitted at the licensed premise except if minor is an employee, has a legitimate business purpose (e.g. plumber) or is resident of the property . Minor resident may not be present in areas where usable marijuana or cut and drying marijuana plants are located.	
Consumption						Product may not be consumed at a licensed premise.	

LAND USE / DEVELOPMENT STANDARDS	MAC PROVISIONAL RECOMMENDATIONS EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
Security						<p>1. In addition to the security requirements in OAR 845-025-1400 to 845-025-1460 a producer must effectively prevent public access and obscure from public view all areas of marijuana production. A producer may satisfy this requirement by:</p> <p>a. Submitting a security plan as described in (x-ref);</p> <p>b. Fully enclosing indoor production on all sides so that no aspect of the production area is visible from the exterior satisfies; or</p> <p>c. Erecting a solid wall or fence on all exposed sides of an outdoor production area that is at least eight (8) feet high.</p> <p>2. If a producer chooses to dispose of usable marijuana by any method of composting, as described in OAR 845-025-7750, the producer must prevent public access to the composting area and obscure the area from public view.</p>	<p>1. A PRMG must effectively prevent public access and obscure from public view all areas of where marijuana is being produced. A PRMG may satisfy this requirement by:</p> <p>a. Fully enclosing indoor production on all sides so that no aspect of the production area is visible from the exterior; or</p> <p>b. Erecting a solid wall or fence on all exposed sides of an outdoor production area that is at least eight feet high.</p> <p>2. A medical marijuana producer must comply with all applicable security requirements in OAR 333-008-2080 to 333-008-2120.</p> <p>3. A PRMG may request a waiver of a security requirement in accordance with OAR 333-008-2130.</p>
Size Limits						See OAR 845-025-2040, Production Size Limitations	See OAR 333-008-0560 (Draft), Grow Site Plant Limits

LAND USE / DEVELOPMENT STANDARDS	MAC PROVISIONAL RECOMMENDATIONS EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
Outdoor (no- building) grow sites	<p><b>NO CONSENSUS</b> Prohibit outdoor/no- building grow sites. (March 9)</p> <p><b>NO CONSENSUS</b> Allow marijuana grow sites without a building in EFU if they do not unreasonably interfere with the use and enjoyment of neighbors’ properties. (March 9)</p> <p><b>NO CONSENSUS</b> Allow non-building marijuana grow sites in EFU if the neighbors signed a petition to allow it. (March 9)</p>						

**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: EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY ADOPTED	JACKSON COUNTY PC RECOMMENDATION	OLCC (Recreational)	OHA PROPOSED RULES (Medical)
Home Occupation	Prohibited. (March 2)	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.				

	MAC PROVISIONAL RECOMMENDATIONS: EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY ADOPTED	JACKSON COUNTY PC RECOMMENDATION	OLCC (Recreational)	OHA PROPOSED RULES (Medical)
Minimum Separation Distances		<ul style="list-style-type: none"><li>1000 from public/private elementary schools, licenses child care center, and licensed preschool</li><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>	<ul style="list-style-type: none"><li>1000 from public/private 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.</li><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>				
Access	<p><b>NO CONSENSUS</b> Adopt the Planning Commission recommendation for access to marijuana processing and production sites in EFU, substituting “a majority of property owners” for “all property owners.” (March 9)</p> <p><b>NO CONSENSUS</b> No access restrictions to marijuana processing and production sites in EFU. (March 9)</p>	<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></ul> <p>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.</p>	<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></ul> <p>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.</p>	<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></ul> <p>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.</p>			
Odor	<p><b>CONSENSUS</b> A “building” is any building, including greenhouses, hoop houses, and other similar structures, used for marijuana production or marijuana processing. (March 2)</p>	<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</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</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></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.</li></ul>		

	MAC PROVISIONAL RECOMMENDATIONS: EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY ADOPTED	JACKSON COUNTY PC RECOMMENDATION	OLCC (Recreational)	OHA PROPOSED RULES (Medical)
	<p><b>CONSENSUS</b></p> <ol style="list-style-type: none"><li>Buildings for production and processing in EFU shall be equipped with an effective odor control system that prevents unreasonable interference of neighbors' use and enjoyment of their property</li><li>An odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the system will control odor.</li><li>Private citizen complaints about odor are authorized, as judged by persons of ordinary sensibilities.</li><li>The system shall consist of one 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 by three.</li><li>The filter(s) shall be rated for the required CFM.</li><li>The system shall be maintained in working order and shall be in use.</li></ol> <p>(March 9)</p>	<p>the building (length multiplied by width multiplied by height) divided by three.</p> <p>The filter(s) shall be rated for the required CFM.</p>	<p>multiplied by width multiplied by height) divided 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></ul> <p>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.</p>	<ul style="list-style-type: none"><li>The filtration system shall consist of one or more fans 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.</li><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></ul> <p>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.</p>	<p>At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent 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></ul> <p>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.</p>		
Lighting	<p><b>CONSENSUS</b></p> <ol style="list-style-type: none"><li>Inside building lighting used for marijuana production shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. on the following day.</li></ol>	<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</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</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></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</li></ul>		

	MAC PROVISIONAL RECOMMENDATIONS: EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY ADOPTED	JACKSON COUNTY PC RECOMMENDATION	OLCC (Recreational)	OHA PROPOSED RULES (Medical)
	<p>2. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.</p> <p>3. Light cast by exterior light fixtures other than marijuana grow lights (i.e. security lights) shall not trespass onto adjacent lots.</p> <p>4. 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.</p> <p>5. This lighting standard will apply to existing production and processing sites after one year. (March 9)</p>	<p>to sunrise the following day.</p> <ul style="list-style-type: none"><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 standards of DCC 15.10.</li></ul>	<p>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.</p> <ul style="list-style-type: none"><li>Outdoor marijuana grow lights shall not be illuminated from sunset to sunrise the following day.</li></ul> <p>Light cast by exterior light fixtures shall comply with the outdoor lighting standards of DCC 15.10.</p>	<ul style="list-style-type: none"><li>Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.</li></ul> <p>Light cast by exterior light fixtures other than marijuana grow lights (e.g., security lights, driveway lights) shall not be directed skyward and shall be directed within the boundaries of the subject property.</p>	<p>fixtures (i.e. security lights) shall not trespass onto adjacent lots.</p> <p>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.</p>		
Security Cameras		<p>Shall be directed to record only the subject property and public rights-of-way.</p>	<p>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).</p>	<p>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).</p>	<p>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.</p>		
Secure Disposal		<ul style="list-style-type: none"><li>Secure disposal of discarded marijuana items shall be provided.</li></ul> <p>Marijuana items shall not be placed within exterior refuse containers on the subject property.</p>	<p>Store marijuana waste in a secured waste receptacle in the possession of and under the control of the licensee.</p>	<p>Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee.</p>	<p>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.</p>	<p>Store marijuana waste in a secured waste receptacle in the possession of and under the control of the licensee.</p>	
Noise	<p><b>CONSENSUS</b></p> <p>1. Marijuana processing and production sites in EFU shall comply with the Noise Control Standards of DCC 8.08.</p> <p>2. Noise from mechanical equipment used shall not produce sound that, when measures at any lot line of the subject property, exceed 50 dB(A) anytime between 10:00 pm and 7:00 am the following day.</p>	<ul style="list-style-type: none"><li>Compliance with the Noise Control Standards of DCC 8.08.</li></ul> <p>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.</p>	<p>Move to Noise Control Ordinance 8.08, and apply to all marijuana processing building and mechanical equipment outside of a commercial or industrial zone.</p>	<p>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).</p>			

	MAC PROVISIONAL RECOMMENDATIONS: EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY ADOPTED	JACKSON COUNTY PC RECOMMENDATION	OLCC (Recreational)	OHA PROPOSED RULES (Medical)
	3. This standard applies to existing medical marijuana sites, as well as any prospective sites. (March 9)						
Screening		<p>Land area and buildings, including greenhouses, shall be screened in the following manner:</p> <p>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.</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>	<p>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.</p> <p>These standards should only apply to existing, non-conforming operations, including buildings and greenhouses to mitigate impacts:</p> <p>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.</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>				
Water Source		Applicant shall submit proof of a water right for the proposed marijuana processing, or proof of access to a public or community water system.	The applicant shall submit proof from the watermaster that proposed water supply complies all applicable local, state, and federal laws.	<p>The applicant shall submit:</p> <p>1. A water right permit or certificate number for the proposed marijuana processing;</p> <p>2. A statement that water is</p>	<p>In the EFU Zone:</p> <p>The applicant shall provide:</p> <p>1. A water right permit or certificate number;</p> <p>2. A statement that water is supplied from a water</p>		

	MAC PROVISIONAL RECOMMENDATIONS: EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY ADOPTED	JACKSON COUNTY PC RECOMMENDATION	OLCC (Recreational)	OHA PROPOSED RULES (Medical)
				supplied from a public or private water provider, along with the name and contact information of the water provider; or 3. Proof from the Oregon Water Resources Department that the water to be used for marijuana production or marijuana processing is from a source that does not require a water right.	provider along with the name and contact information of the public water provider; or 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.		
Fire Protection		In the MUA-10 Zone: Type 2 Marijuana Processing shall only be permitted on properties located within a fire district.	Processing of cannabinoid extracts shall only be permitted on properties located within or under contract with a fire district.			Processors of cannabinoid extracts shall: Meet any required fire, safety, and building code requirements specified in: 1. Applicable Oregon laws; 2. National Fire Protection Association (NFPA) standards; 3. International Building Code (IBC); 4. International Fire Code (IFC);	Processors of cannabinoid extracts shall: Meet any required fire, safety, and building code requirements specified in: 1. Oregon state law; 2. National Fire Protection Association (NFPA) standards; 3. International Building Code (IBC); 4. International Fire Code (IFC).
Indoor Processing		In the MUA-10 Zone: <ul style="list-style-type: none"><li>Marijuana processing shall be located entirely within one or more completely enclosed buildings, including greenhouses.</li><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></ul> 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.	Processing not permitted in the MUA-10 zone. Therefore, the originally proposed indoor processing requirement is not applicable.	In the AG/F and EFU Districts: Marijuana processing shall be located entirely within one or more completely enclosed buildings.			

	MAC PROVISIONAL RECOMMENDATIONS: EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY ADOPTED	JACKSON COUNTY PC RECOMMENDATION	OLCC (Recreational)	OHA PROPOSED RULES (Medical)
On-Site Residency		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 RRFF-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.			
Nonconformance		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.				
On-Site Sales Prohibited					In the Industrial Zones: No on-site retail sales are allowed.		
Outdoor Storage Prohibited					In the Industrial Zones: No outdoor storage of marijuana in any form, including remnants, by-products and waster is permitted.		
Processing Method Limitation					In the EFU Zone: Only dry, water or CO-2 processing is allowed.		
Temporary Residences Prohibited					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.

# Deschutes County Board of County Commissioners

March 21, 2016  
Work Session

Land Use Regulation of Marijuana Related Land Uses  
90-Day Check In



# BACKGROUND

**Oregon law allows possession/consumption of marijuana for medical and adult (21+) recreational use.**

- **Oregon Medical Marijuana Program (1998-Measure 67)**

Regulated by Oregon Health Authority (OHA)

- **Recreational Marijuana (2014-Measure 91)**

Regulated by Oregon Liquor Control Commission (OLCC)



# BACKGROUND

**December 2015**

**Board of County Commissioners Adopt Ord. 2015-009**

**Prohibited or “Opted Out” of marijuana related uses in unincorporated Deschutes County including:**

## **Medical Marijuana**

- Processing - Products, concentrates, or extracts
- Dispensaries - Selling to a card holder or caregiver

## **Recreational Marijuana**

- Production - Growing
- Processing - Products, concentrates, or extracts
- Retail - Selling to a consumer
- Wholesaling - Selling to person not consumer

# BACKGROUND

**December 2015**

**Board expressed:**

- **Desire to have more time to assess “right to farm” impacts and to consider reasonable regulations**
- **Intent to form a Marijuana Advisory Committee (MAC)**

# BACKGROUND

**February 2015**

## **Marijuana Advisory Committee (MAC) Formed**

- 13-Member committee comprised of:
  - Rural Residents
  - Marijuana Industry Representatives
  - Planning Commission Chair
- Charged with developing and recommending reasonable time, place, and manner land use regulations to mitigate the impacts of medical and recreational marijuana uses – especially production.
- Regulations would be necessary if either the Board or county voters rescind the opt-out ordinance.

# MAC SCHEDULE

- Met five consecutive weeks from February 10 to March 9.
- Board authorized two additional meetings for March 31 and April 7.

February	March	April
S M T W T F S	S M T W T F S	S M T W T F S
1 2 3 4 5 6	1 2 3 4 5	1 2
7 8 9 10 11 12 13	6 7 8 9 10 11 12	3 4 5 6 7 8 9
14 15 16 17 18 19 20	13 14 15 16 17 18 19	10 11 12 13 14 15 16
21 22 23 24 25 26 27	20 21 22 23 24 25 26	17 18 19 20 21 22 23
28 29	27 28 29 30 31	24 25 26 27 28 29 30

# MAC REVIEW PROCESS

- Consensus process rather than a direct up or down vote.
- Where full consensus is not reached the parties afforded the opportunity to submit a position report on the various points of view.
- Recommendations are "provisional" until work is complete then recommendations will be finalized and submitted to the Board.



# MAC REVIEW PROCESS

- Discussed regulatory standards that would be applicable to both recreational and medical marijuana related uses, unless otherwise specified.
- Revisited Planning Commission's recommendations first.
- Reviewed recommendations and ordinances from Clackamas, Lane and Jackson County.



# MAC PROGRESS TO DATE

- Completed review of marijuana retail and wholesale.
- Includes provisional recommendations on specific use standards and zones.
  - Zones match those recommended by the Planning Commission
  - Standards addressed include:
    - Waste Disposal
    - Hours of Operation
    - No Minors
    - Odor Control
    - Outdoor Patios
    - Separation Distances
    - No Window Service
    - Co-Location
    - Grandfathering Existing Uses



**MARIJUANA RETAIL AND WHOLESALE  
SUMMARY OF ZONES FOR CONSIDERATION TO ALLOW**

	ORIGINAL PROPOSAL		PLANNING COMMISSION RECOMMENDATION		MAC PROVISIONAL RECOMMENDATIONS	
Permitted (P) Conditional Use (CU) Not Allowed (-)						
Zone	Retail	Wholesale (Recreational)	Retail	Wholesale (Recreational)	Retail	Wholesale (Recreational)
		P-office only CU-with storage		Office Only NO storage		Consensus: Office Only
<b>TITLE 18 – Deschutes County</b>						
<b>18.65 RURAL SERVICE CENTER - UC</b>					<b>Consensus</b>	<b>Consensus</b>
18.65.020 Commercial Mixed Use District (Brothers, Hampton, Millican, Whistlestop, Wildhunt)	CU	P	CU	P	CU	P
18.65.021 Commercial Mixed Use (Alfalfa)	CU	P	CU	P	CU	P
<b>18.66 TERREBONNE RURAL COMMUNITY</b>						
18.66.040 Commercial - TeC	P	P/CU	CU	P	CU	P
18.66.050 Commercial Rural - TeCR	P	P/CU	CU	P	CU	P
<b>18.67 TUMALO RURAL COMMUNITY</b>						
18.67.040 Commercial - TuC	P	P/CU	CU	P	CU	P
18.67.060 Industrial - Tul	CU	-	CU	-	CU	-
<b>18.74 RURAL COMMERCIAL</b>						
18.74.020 Deschutes Junction and Deschutes River Woods Store	CU	-	CU	-	CU	-
18.74.025 Spring River	CU	-	CU	-	CU	-
18.74.027 Pine Forest and Rosland	CU	P	CU	P	CU	P
<b>18.100 Rural Industrial</b>	CU	-	CU	-	CU	-
<b>18.108 SUNRIVER UUC</b>						
18.108.050 Commercial - SUC	CU	P	CU	P	CU	P
18.108.055 Town Center - TC	CU	-	CU	-	CU	-
18.108.110 Business Park – SUBP	CU	P/CU	CU	P	CU	P
<b>TITLE 19 – BEND URBAN AREA ZONING ORDINANCE</b>						
No Marijuana Related Businesses Allowed						
<b>TITLE 20 - REDMOND URBAN AREA ZONING ORDINANCE</b>						
No Marijuana Related Businesses Allowed						
<b>TITLE 21 - SISTERS URBAN AREA ZONING ORDINANCE</b>						
No Marijuana Related Businesses Allowed						

# MARIJUANA RETAIL (RECREATIONAL AND MEDICAL) SPECIFIC USE STANDARDS FOR CONSIDERATION

Definition originally proposed and recommended by the Planning Commission

"Marijuana retailing" means 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.

	MAC PROVISIONAL RECOMMENDATIONS	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY ADOPTED	JACKSON COUNTY PC RECOMMENDATION	OLCC (Recreational)	OHA (Medical)
Home Occupation	<b>CONSENSUS</b> Prohibited. (February 17)	Prohibited	Prohibited	Prohibited	Prohibited		
Waste Disposal	<b>CONSENSUS</b> Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the licensee. (February 17)	<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>	Marijuana waste shall be stored 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 or OHA registrant.	No marijuana remnants or by-products shall be placed within the facility's exterior refuse containers.	Store marijuana waste in a secured waste receptacle in the possession of and under the control of the licensee.	
Minimum Separation Distances	<p><b>CONSENSUS</b></p> <ul style="list-style-type: none"> <li>Require a separation of 1000 feet from public and private elementary and secondary schools, licensed child care centers (excluding in-home child care), licensed pre-schools, national monuments and state parks, and all approved/licensed youth activity centers; and require a separation of 1000 feet between all retail outlets (medical and recreational).</li> <li>A change in use (e.g., a new school) shall not cause a violation of this standard.</li> <li>Separation is to be measured from the lot line of the school. (February 22)</li> </ul> <p><b>NO CONSENSUS</b> Add churches to the list of locations that must be 1000 feet from a marijuana retail or dispensary operation. (March 2)</p> <p><b>NO CONSENSUS</b> There was no consensus reached on several proposals</p>	<ul style="list-style-type: none"> <li>1,000 from public/private elementary schools, licensed child care center, licensed preschool, and marijuana retailers.</li> <li>Change of use (i.e. new school) shall not cause violation of this standard.</li> </ul> <p>Distance Calculation: 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 retailer.</p>	<ul style="list-style-type: none"> <li>1000 from public/private elementary and secondary schools, licensed child care center, licensed preschool, parks, and all approved/licensed youth activity centers (i.e., Boys &amp; Girls Club) with a 301c3 status or description stating youth activities, excluding in-home child care.</li> <li>Change of use (i.e. new school) shall not cause violation of this standard.</li> </ul> <p>Distance Calculation: 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 retailer.</p>	<ul style="list-style-type: none"> <li>100 feet from residentially-zoned property except if street frontage on principal interstate, expressway, etc.</li> <li>2,000 feet from elementary or secondary schools, including property and parking lots</li> <li>1,500 feet from public parks, playgrounds, libraries; government-owned recreational use, licensed treatment center, light rail transit station or multi-family dwelling owned by a public housing authority</li> <li>300 feet from a licensed daycare facility or preschool, including associated property and parking lot</li> <li>1,000 feet for other marijuana retailer of the same type (e.g., recreational or medical)</li> <li>1,000 feet from any other marijuana retailer so licensed by the OLCC.</li> <li>1,000 feet from any other marijuana retailer</li> </ul>	<p>Shall not be within:</p> <ul style="list-style-type: none"> <li>One mile of the Veterans Administration Southern Oregon Rehabilitation Center and Clinics.</li> <li>1,000 feet of the Jackson County Transition Center.</li> <li>250 feet of residentially zoned property within the White City Urban Unincorporated Community Boundary.</li> <li>1,000 feet of a public park, excluding the Bear Creek Greenway.</li> <li>1,000 feet of an Interstate 5(I-5) interchange. The interchange is defined as the bridge structure over I-5 including all on and off ramp termini.</li> <li>1,000 feet from a public elementary or secondary school.</li> <li>1,000 feet of another marijuana retail sales facility.</li> <li>1,000 feet of another medical marijuana facility.</li> </ul> <p>Distance Calculation: For the purposes of determining the distance</p>	<ul style="list-style-type: none"> <li>May not be located within 1,000 feet of public/private/parochial elementary or secondary school.</li> <li>Local standard cannot require greater than 1,000 feet from another retail marijuana premises.</li> </ul>	<ul style="list-style-type: none"> <li>1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors.</li> <li>Must not be located within 1,000 feet of another medical marijuana facility.</li> </ul>

# MAC PROGRESS TO DATE

- Currently discussing specific use standards for marijuana production and processing in Exclusive Farm Use (EFU) zones.
- If time permits, MAC will discuss where (other zones) and how (specific use standards) marijuana production and processing might be allowed elsewhere.



# BOARD DIRECTION

**Should any of these remaining standards be prioritized?:**

- a) Access**
- b) Fire Protection**
- c) Water**
- d) Temporary Residences**
- e) Maximum Building Floor Size / Enclosed Production Only / Indoor-outdoor (Including Indoor Processing)/ Limit The Number Of Licenses / Size Limits (Production Only)**
- f) Outdoor Storage Prohibited (Processing Only)**

**Continued...**

# BOARD DIRECTION

**Should any of these remaining standards be prioritized?:**

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- g) Screening / Fencing / Security / Security Cameras / Secure Disposal**
- h) Processing Method Limitation (Processing Only)**
- i) Minors Prohibited**
- j) Consumption**
- k) Minimum Separation / Setbacks / Minimum Lot Size**
- l) Inspections**

# MAC NEXT STEPS

**After MAC completes its scheduled meetings, the next steps are:**

- **4/15/16**    MAC members submit final reports  
                    (areas of non-consensus)
- **4/20/16**    MAC final report issued for Board work session  
                    packet and website
- **4/27/16**    Board work session

# BOARD NEXT STEPS

**At 4/27/16 work session, staff will seek direction on how to proceed. Options include:**

## **Continue the Opt Out**

- 1.** Continue opt out moratorium as adopted and refer to voters in November.
- 2.** Decide whether to regulate existing medical marijuana production/grow sites.

## **Opt In**

- 1.** Rescind the Opt Out ordinance for one, some, or all of the six (6) marijuana related uses.
- 2.** Initiate review/adoption process to regulate medical and recreational marijuana uses.

# March 21, 2016 Work Session

Land Use Regulation of Marijuana Related Land Uses  
90-Day Check In

For More Information Visit:  
[www.deschutes.org/marijuana](http://www.deschutes.org/marijuana)

