

# Marijuana Business Workshop

August 23, 2016

**DESCHUTES COUNTY**  
Community Development Department



# AGENDA

**Introduction**

**Planning Division**

**Land Use Regulations & Review**

**Building Safety Division**

**Permitting Process and Requirements**

**State Agencies**

**Oregon Liquor Control Commission**

**Oregon Health Authority**

**Oregon Department of Agriculture**

**Q & A with Staff**

**Informal Discussions with Staff**

# INTRODUCTION

- **Welcome**
- **September 1, 2016**
  - **Begin Accepting Land Use Applications for Marijuana Related Uses**

# INTRODUCTION

## TAKE AWAYS

- New Untested Standards
- All Marijuana Uses Require Land Use Review
- Burden of Proof is on the Applicant
- May Require Expert Support and Design Team
- Consider Pre Application Meeting
- Other Agencies are Involved
- Land Use Process may be Time Consuming

# PLANNING DIVISION

## Regulations & Land Use Review Process



# MARIJUANA LAND USE STANDARDS

## USE CATEGORIES

### **Production**

*Growing, Trimming, Harvesting,  
or Drying*

### **Processing**

*Compounding/Conversion*

### **Retail**

*Sale to a Consumer*

### **Wholesale**

*Purchase of Items for Resale to  
a Person Other Than a Consumer*

### **Existing Medical Marijuana Grow Sites**

*Registered with OHA prior to June 6, 2016*

# MARIJUANA LAND USE STANDARDS

## DESCHUTES COUNTY ZONING MARIJUANA RELATED BUSINESSES

Zone	Processing		Production	Retail	Wholesale
	Permitted: P	Conditional Use: CU	Not Allowed: -		
	Excluding Extracts	Including Extracts			office only
<b>TITLE 18 – Deschutes County</b>					
18.16 Exclusive Farm Use - EFU	P <sup>1</sup>	P <sup>1</sup>	P	-	-
18.32 Multiple Use Agricultural - MUA10	CU	CU	CU	-	-
<b>18.65 RURAL SERVICE CENTER - UC</b>					
18.65.020 Commercial Mixed Use District (Brothers, Hampton, Millican, Whistlestop, Wildhunt)	-	-	-	CU	P
18.65.021 Commercial Mixed Use (Alfalfa)	-	-	-	CU	P
<b>18.66 TERREBONNE RURAL COMMUNITY</b>					
18.66.040 Commercial - TeC	CU	CU	-	CU	P
18.66.050 Commercial Rural - TeCR	CU	CU	-	CU	P
<b>18.67 TUMALO RURAL COMMUNITY</b>					
18.67.040 Commercial - TuC	CU	CU	-	CU	P
18.67.060 Industrial - Tul	P	CU	-	CU	-
<b>18.74 RURAL COMMERCIAL</b>					
18.74.020 Deschutes Junction and Deschutes River Woods Store	-	-	-	CU	-
18.74.025 Spring River	-	-	-	CU	-
18.74.027 Pine Forest and Rosland	-	-	-	CU	P
18.100 Rural Industrial	P	CU	CU <sup>2</sup>	CU	-
<b>18.108 SUNRIVER UUC</b>					
18.108.050 Commercial - SUC	-	-	-	CU	P
18.108.055 Town Center - TC	-	-	-	CU	-
18.108.110 Business Park - SUBP	P	CU	-	CU	P
<b>TITLE 19 - BEND</b>					
No Marijuana Related Businesses Allowed					
<b>TITLE 20 - REDMOND</b>					
No Marijuana Related Businesses Allowed					
<b>TITLE 21 - SISTERS</b>					
No Marijuana Related Businesses Allowed					

<sup>1</sup> Subject to DCC Section 18.16.025, Uses Permitted Subject to the Special Provisions Under DCC Section 18.16.038 and a Review Under DCC Chapter 18.124 For Items C Through M.

<sup>2</sup> Only in vicinity of Deschutes Junction

## ZONING

Where the Use is Allowed:

Permitted

(Subject to Standards)

-OR-

Conditional Use

# MARIJUANA LAND USE STANDARDS

**Design and Operating Standards to Mitigate Adverse Impacts and Maintain Compatibility of Uses.**

**Regulation of  
“Sight, Sound, and Smell”**



# MARIJUANA LAND USE STANDARDS

## PRODUCTION/PROCESSING

- **Minimum Lot Area**
- **Maximum Mature Plant Canopy Area**
  - Example
    - 2,500 square feet on parcels 5-10 acres.
    - 5,000 square feet on parcels 10-20 acres.
- **Additional Setbacks**
- **1 Production OLCC License/OHA Registered Per Parcel**

# MARIJUANA LAND USE STANDARDS

## PRODUCTION/PROCESSING

- Odor Control
- Lighting Control
- Noise Control
- Access
- Legal Water Usage
- Utility Verification
- Annual Reporting

# MARIJUANA LAND USE STANDARDS

## RETAIL

- **Additional Setbacks**
  - 1,000 Ft. from Child Oriented Uses and Parks
- **Hours of Operation**
  - 9:00am-7:00pm
- **Odor Control**
- **No Window Service**
- **No Minors**
- **Annual Reporting**

# MARIJUANA LAND USE STANDARDS

## WHOLESALE

- Office Only
- No Storage of Products or Items

# MARIJUANA LAND USE STANDARDS

## **EXISTING MEDICAL MARIJUANA GROW SITES**

*Registered with OHA prior to June 6, 2016*

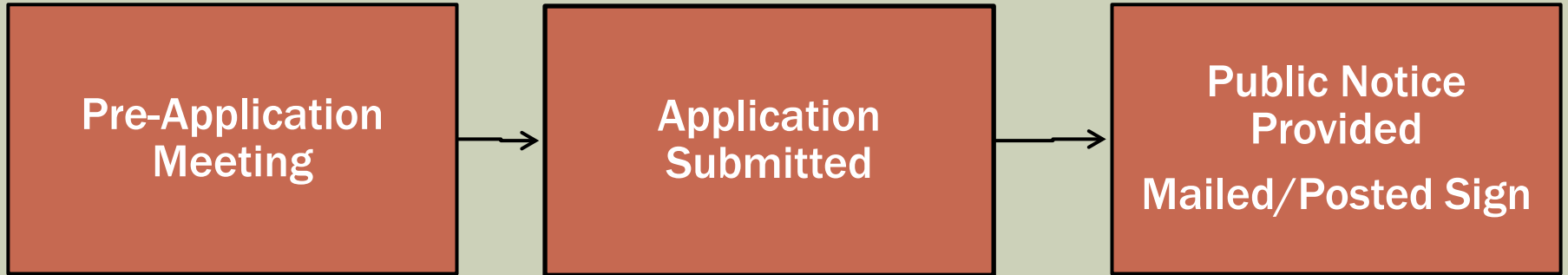
### **By September 15, 2016**

- **Lighting Control**

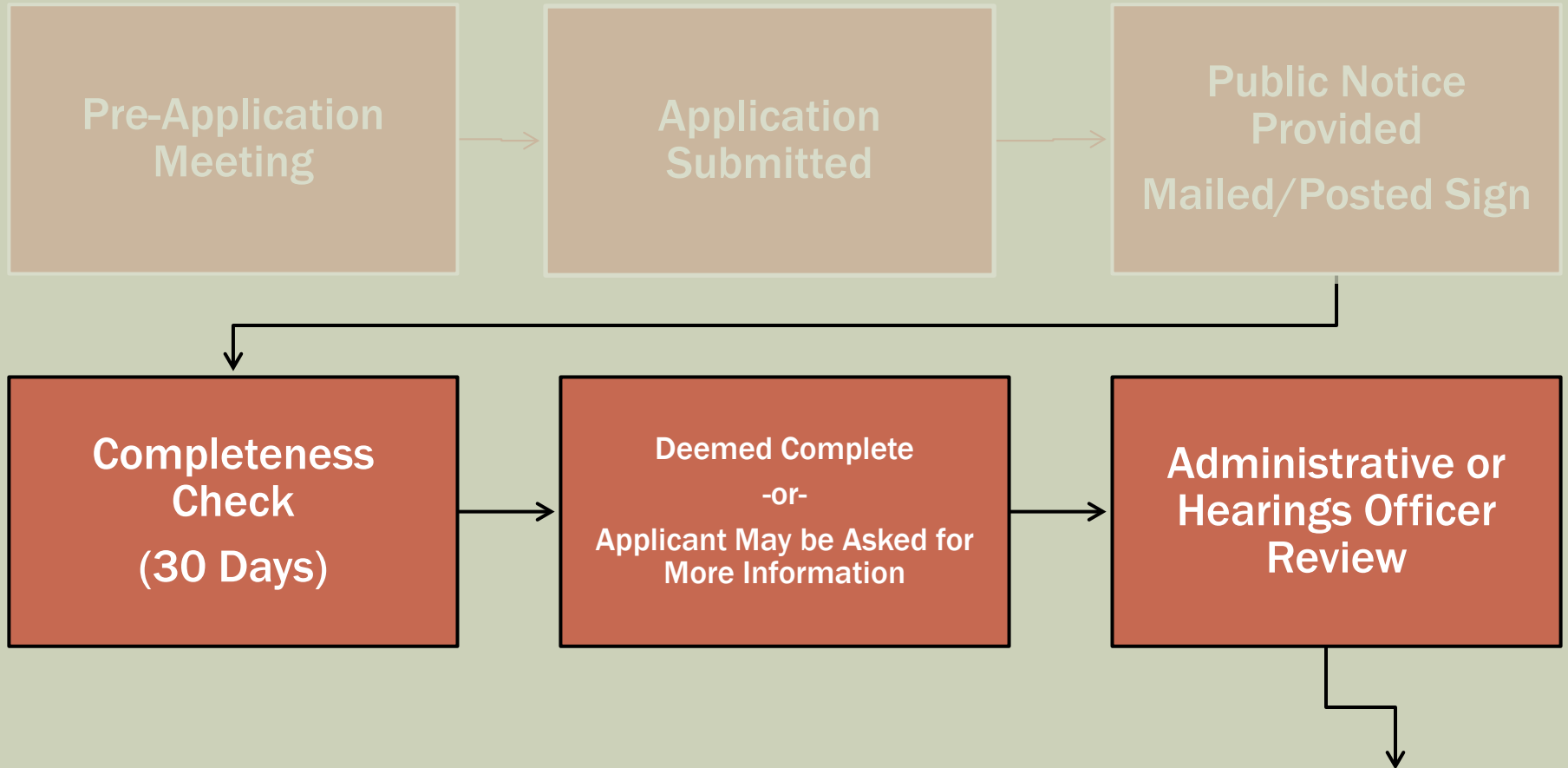
### **By December 15, 2016**

- **Odor Control**
- **Noise Control**
- **Secure Disposal**

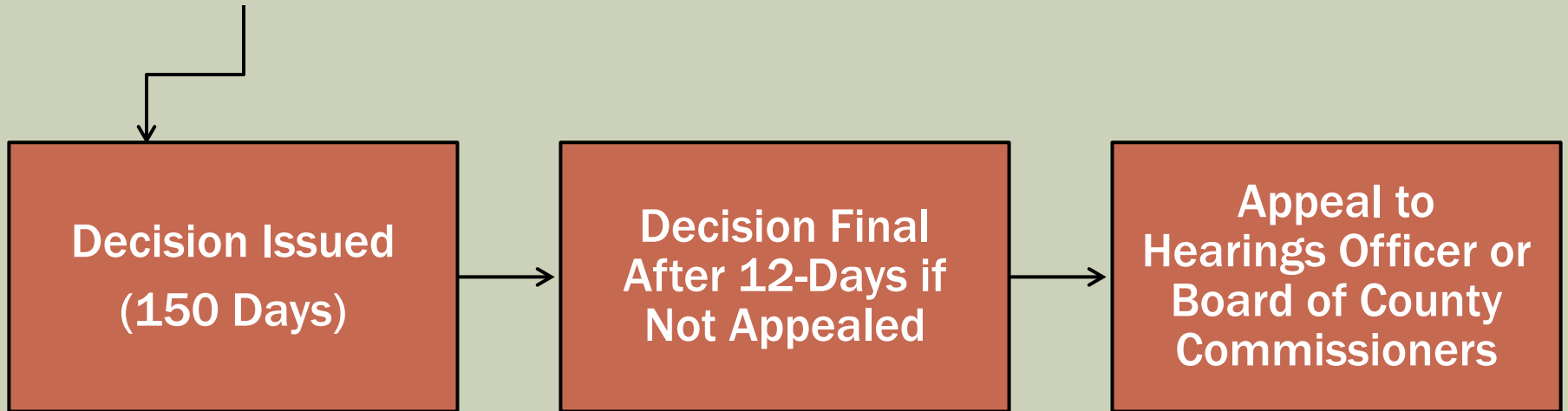
# LAND USE REVIEW PROCESS



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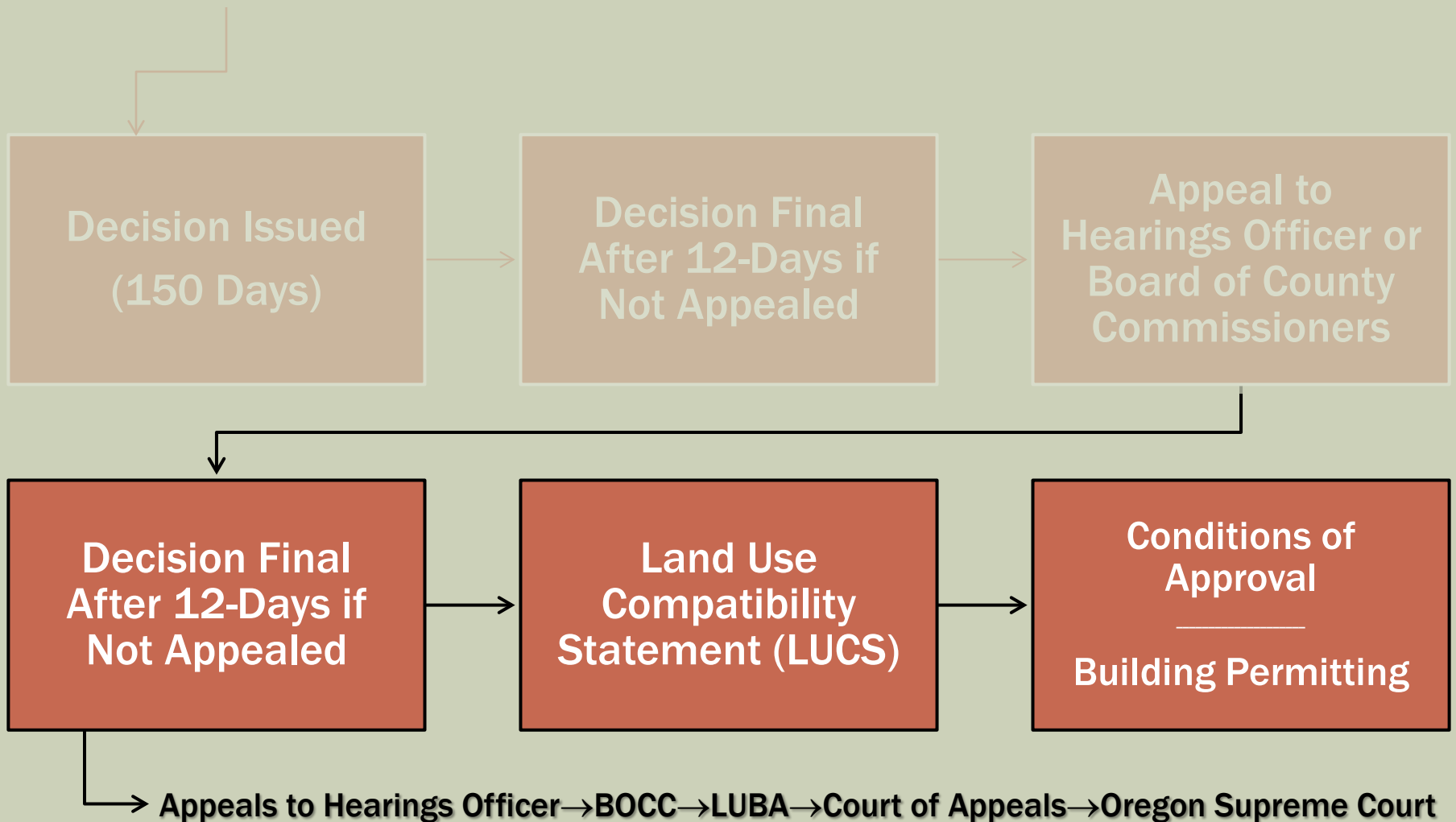


# LAND USE REVIEW PROCESS





# LAND USE REVIEW PROCESS



# EXAMPLE OF APPLICATION MATERIALS

## Recreational Marijuana Production in EFU Zone

- **Administrative Determination:**
  - Application Fee: \$1,500.00
  - Hearings Officer Deposit: \$5,000.00
- **General Land Use Application Form**
- **Site Plan of Property**
  - Property Boundaries/Setbacks
  - Road Access
  - Location of Development
  - Special Topographic Features

...

# EXAMPLE OF APPLICATION MATERIALS

## Recreational Marijuana Production in EFU Zone

...

### ■ Burden of Proof Statement

Describe how the proposal meets the criteria and standards

### ■ Supporting Documents and Materials

- Odor Control System Documentation with Engineer Stamp
- Proof of Water Right
- Will Serve Letter From Utility Provider(s)
- Photos
- Other

# BUILDING SAFETY DIVISION

## Review Process & Requirements



# BUILDING DIVISION BASICS

## ■ Production:

- Agricultural Exempt Structures Allowed (ORS 455.315)

## ■ Processing:

- Not Allowed in Agricultural Exempt Structures
- Provide Types/Quantities of Hazardous Materials Used
- Processing Equipment Listed by a Nationally Recognized Testing Agency or Approved Alternative
- Plans Prepared by an Oregon Licensed Design Professional
- Washington State Building Code Chapter 38

# BUILDING DIVISION BASICS

## ■ **Permits/Plan Review:**

- **Contact Other Agencies for Additional Requirements (Fire, OLCC, ODA, Etc.)**
- **Commercial Permits Required for Recreation Marijuana Operations**
- **Residential Permits Allowed for Medical Marijuana Production if Accessory to Residence**
- **Visqueen Covered Buildings are Exempt from a Building Permit**
  - **Exemption does not apply to rigid roof systems**
- **Permits Required for Mechanical, Plumbing, and Electrical Systems**
- **Unpermitted Structures**

# ANNUAL REPORTING

- **Annual Report to the Community Development Department Due February 1<sup>st</sup>**
  - **Review Fee: \$750.00**
  - **Consent to Inspect Premises**
  - **Documentation demonstrating compliance with the:**
    - Land use decision and permits.
    - Fire, health, safety, waste water, and building codes and laws.
    - State of Oregon licensing requirements.
  - **Marijuana Control Plan**
  - **Conditions of Approval Agreement**
  - **Failure to Timely Submit Annual Report:**
    - Acknowledgement that the otherwise allowed use is not in compliance.
    - May be relied upon by the State of Oregon to deny new or license renewal(s) for the subject use.

# OREGON LIQUOR CONTROL COMMISSION

## Review Process & Requirements





# OREGON HEALTH AUTHORITY

## Review Process & Requirements



# OREGON DEPT OF AGRICULTURE

## Review Process & Requirements



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Enhancing the lives of citizens by delivering quality services in a cost-effective manner.

Search

- Home
- Public Safety
- Health & Family
- Property & Development
- Permits & Licenses
- Government
- Departments

## Recreational and Medical Marijuana Land Use Regulation

CDD Home

- + Report & Statistics Center
- + Building Safety Division
- Planning Division

Development Documents - DevDocs

+ Mapping/GIS

Addressing

+ Transportation Planning

+ Historic Preservation

Planning Commission

Planning Forms & Brochures

- Regional Projects and Resources

- Recreational and Medical Marijuana Land Use Regulation

Marijuana Background

Marijuana Land Use FAQs

Marijuana Rice Market and Hearing

### OVERVIEW

In June 2016, the Deschutes County Board of County Commissioners approved several ordinances regulating medical and recreational marijuana related uses. The regulations apply to unincorporated Deschutes County and not the city limits of Bend, La Pine, Redmond, and Sisters. The purpose of this webpage is to provide an overview of the regulations, information about past and future county meetings related to marijuana land use issues, and additional resources from outside entities.



The regulations include requirements marijuana businesses must meet in relation to a variety of time, place and manner issues including, but not limited to odor, lighting, security, waste management, minimum separation distances, water, access and hours. The approved regulations do not apply to personal recreational and medical marijuana growing and production, as allowed by

These standards do not ensure compliance with federal or state regulations. Furthermore, new laws may be adopted by the State legislature, Oregon Health Authority (OHA) and Oregon Liquor Control Commission (OLCC) that may restrict the location and operating characteristics of all marijuana facilities, including grow sites. It is the owner's responsibility to ensure compliance with any other applicable law.

**OPT OUT MORATORIUM LIFTED:** On August 1, 2016, the Board voted to repeal the "opt out" moratorium that prohibited marijuana-related businesses in rural Deschutes County effective September 1, 2016. Beginning September 1, the County will accept land use applications for medical marijuana processing and dispensaries and recreational marijuana production, processing, wholesaling, and retailing. Please note that land use approval is required prior to allowing the use to be initiated.

### UPCOMING WORKSHOPS

[WWW.DESCHUTES.ORG/MARIJUANA](http://WWW.DESCHUTES.ORG/MARIJUANA)

# Q & A

