



MEDICAL MARIJUANA GROW SITES

Deschutes County has adopted standards specific to existing and new medical marijuana grow sites in unincorporated Deschutes County to mitigate associated impacts and maintain compatibility with surrounding uses (Ordinance No. 2016-019).



These standards do not ensure compliance with federal or State regulations. Furthermore, new laws may be adopted by the State legislature, the OHA and the 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.

When Do These Standards Apply?

Deschutes County Code defines "**Marijuana Production**" as:

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."

Based on this definition and adopted regulations, the standards summarized here apply to new and existing medical marijuana grow sites.

When Do These Standards Not Apply?

These standards **DO NOT** apply if you are:

1. Growing medical marijuana only for yourself; and
2. Growing medical marijuana at your own residence where there are 12 or fewer mature plants; and
3. You are not transferring product to an OHA processing site or dispensary. (OAR 333-008-0630)

Standards for All Medical Marijuana Grow Sites

The following standards apply to all medical marijuana grow sites, both existing and new. Please note the varying compliance deadlines for existing operations. New grow sites are subject to approval of a land use permit and shall comply with these standards immediately.

LIGHTING

- Shall not be visible outside the building from 7:00 p.m. to 7:00 a.m.
- Lighting fixtures shall be fully shielded in such a manner that all light emitted directly by the lamp or a diffusing element, or indirectly by reflection or refraction, is projected below the horizontal plane through the lowest light-emitting part.
- Light cast by exterior light fixtures other than marijuana grow lights shall comply with Deschutes County Code Chapter 15.10, Outdoor Lighting Control.

COMPLIANCE DEADLINE: Medical marijuana grow sites registered by OHA prior to June 1, 2016, shall comply with the above standard by September 15, 2016.

ODOR

- The building shall be equipped with an effective odor control system which must at all times prevent unreasonable interference of neighbors' use and enjoyment of their property.
- An odor control system is deemed permitted only after the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the system will control odor so as not to unreasonably interfere with neighbors' use and enjoyment of their property.
- The odor control system shall:
 1. Consist of one or more fans. The fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the required CFM; or
 2. Utilize an alternative method or technology to achieve equal or greater odor mitigation than provided by 1. above.
- The system shall be maintained in working order and shall be in use.

COMPLIANCE DEADLINE: Medical marijuana grow sites registered by OHA prior to June 1, 2016, shall comply with the above standard by December 15, 2016.

NOISE

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

COMPLIANCE DEADLINE: Medical marijuana grow sites registered by OHA prior to June 1, 2016, shall comply with the above standard by December 15, 2016.

WATER

The applicant shall provide to Deschutes County Community Development Department:

1. A copy of a water right permit, certificate, or other water use authorization from the Oregon Water Resource Department;
2. A statement that water is supplied from a public or private water provider, along with the name and contact information of the water provider; or
3. Proof from the Oregon Water Resources Department that the water to be used is from a source that does not require a water right.

COMPLIANCE DEADLINE: Medical marijuana grow sites registered by OHA prior to June 1, 2016, shall comply with the above standard by December 15, 2016.

SECURITY CAMERAS

If security cameras are used, they shall be directed to record only the subject property and public rights-of-way, except as required to comply with requirements of the OHA.

COMPLIANCE DEADLINE: Medical marijuana grow sites registered by OHA prior to June 1, 2016, shall comply with the above standard by December 15, 2016.

SECURE WASTE DISPOSAL

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

COMPLIANCE DEADLINE: Medical marijuana production grow sites registered by OHA prior to June 1, 2016, shall comply with the above standards by December 15, 2016.

Additional Standards for New Medical Marijuana Grow Sites

In addition to the standards previously outlined, new medical marijuana grow sites are subject to the following standards. New grow sites are subject to approval of a land use permit and shall comply with these standards immediately.

ZONING

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

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

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

MINIMUM LOT AREA

5 Acres in the EFU and MUA-10 zones.

SETBACKS

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

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

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

INDOOR PRODUCTION

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

MAXIMUM BUILDING FLOOR AREA

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

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

MAXIMUM MATURE PLANT CANOPY SIZE

In the **EFU** zone, the maximum canopy area for mature marijuana plants shall be:

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

SEPARATION DISTANCES

The buildings and land areas occupied by the operation shall be located a **minimum of 1000 feet** from all of the following:

- A public, private, or parochial elementary or secondary school including any parking lot and property used by the school.
- A licensed child care center or licensed preschool including any parking lot and any property used by the child care center or preschool. This does not include licensed or unlicensed child care which occurs at or in residential structures.
- A youth activity center.
- National monuments and state parks.

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

ACCESS

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

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

ON SITE RESIDENCY

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

1. An owner of the subject property; or
2. A person registered with the OHA as a person designated to produce marijuana by a registry identification cardholder, provided that the registration applies to the subject property.

ANNUAL REPORTING

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

- Documentation demonstrating compliance with the:
 1. Land use decision and permits.
 2. Fire, health, safety, waste water, and building codes and laws.
 3. State of Oregon licensing requirements.
- Other information as may be reasonably required to ensure compliance with Deschutes County Code, applicable State regulations, and to protect the public health, safety, and welfare.
- Marijuana Control Plan to be established and maintained by the Community Development Department.
- Conditions of Approval Agreement to be established and maintained by the Community Development Department.

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

Do I Need a Land Use Permit?

NO, EXISTING medical marijuana grow sites **DO NOT** require a land use permit to continue operating if registered by OHA prior to June 1, 2016.

YES, NEW medical marijuana grow sites **DO** require a land use permit prior to initiating the use. If located in the:

- **EFU or RI zones**, an **Administrative Determination** application is required.
- **MUA-10 zone**, a **Conditional Use Permit** application is required.

A completed application and applicable fees shall be submitted to the Community Development Department. A public hearing and applicable fee may also be required.

Application Fee:

Application forms and fee schedule are available online at: www.deschutes.org/cd



Application Materials:

1. Completed application form.
2. A copy of the deed showing current ownership of the property.
3. Written statement and other documentation that shows how all of the applicable standards will be met.
4. Plot Plan:
 - Property boundaries
 - Road access
 - Setbacks
 - Location and size of existing and proposed buildings, septic system, well, exterior lighting and other improvements
 - Special topographic features, including rivers, streams, or rimrock
 - North arrow, scale

Where can I get more information?

Web Address: www.deschutes.org/marijuana

Main Office: Deschutes County Community Development Department
P.O. Box 6005, 117 NW Lafayette Ave.
Bend, OR 97708-6005

send all mail to the Main Office P.O. Box.

Main Phone:	541-388-6575
Planning Division:	541-388-6560
Building Safety:	541-388-6574
Environmental Soils:	541-388-6519



To request this information in an alternate format, please call (541) 617-4747 or send email to ken.harms@deschutes.org.

Para solicitar esta información en un formato alternativo, llame al (541) 617-4747 o envíe un correo electrónico a ken.harms@deschutes.org.