

Deschutes County Board of County Commissioners

December 2, 2015
Public Hearing

File No. 247-15-000542-TA
Land Use Regulation of Marijuana Related Land Uses



HEARING PROCEDURES

- The Board of County Commissioner's decision on this proposal will be based upon the record, the staff report, and the testimony and evidence presented at this hearing.
- The hearing will be conducted in the following order.
 1. Staff will provide a brief report.
 2. Opponents and proponents will testify and present evidence.
 3. Other interested persons will then present testimony or evidence.
 4. Staff will be afforded an opportunity to make any closing comments.



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

HB 3400

Identifies Marijuana Related Uses to be Licensed by OLCC:

- Production - Growing
- Processing - Products, concentrates, or extracts
- Retail - Selling to a consumer
- Wholesaling - Selling to person not consumer
- *Excludes Personal/Caregiver Growing or Processing*

Allows County to Establish “Reasonable Regulations”

- “Time, Place, and Manner” standards

Allows County to Prohibit or “Opt Out” of Marijuana Related Uses

- *Excludes medical marijuana grow sites*

PROHIBITION OR “OPT OUT”

HB 3400: Section 133 provides opportunity for the County to temporarily prohibit any of the following:

- **Medical marijuana**
 - Processing sites
 - Dispensaries

- **Recreational marijuana**
 - Producers
 - Processors
 - Wholesalers
 - Retailers

Planning Commission voted 5-2 to strongly recommend the County not opt out of any marijuana related use

PROPOSAL

- **Legislative text amendments to the Deschutes County Code**
- **Purpose: Establish marijuana-specific land use regulations**
 - Amends Chapters 18.16, 18.65, 18.66, 18.67, 18.74, 18.100, 18.108, 18.116, 19.04, 20.04, and 21.04

Planning Commission voted 7-0 to recommend approval the regulations included in the hearing materials

4 DEFINED MARIJUANA – RELATED USES

- **Production (growing)**
- **Processing**
- **Wholesaling (office only)**
- **Retailing**

PRODUCTION (GROWING) ZONING

Permitted

- **Exclusive Farm Use**
 - **Only On Parcels 20-Acres or Greater**

Conditional Use

- **Rural Industrial**

PRODUCTION (GROWING) SPECIFIC USE STANDARDS

- **Increased Setbacks**
- **Access Limitations**
- **Odor Control**
- **Lighting Control**
- **Security Camera Orientation**
- **Secure Disposal**
- **Screening**
- **Legal Water Usage**
- **Separation Distances**
- **Nonconformance**
- **Inspections**
- **Consider Limiting the Number of Licenses per Parcel**

PROCESSING ZONING

Permitted

- **Exclusive Farm Use**
 - **On Parcels 20-Acres or Greater**

Permitted/Conditional Use

- **Terrebonne**
 - Commercial, Commercial Rural
- **Tumalo**
 - Commercial, Industrial
- **Rural Industrial**
- **Sunriver**
 - Business Park

PROCESSING

SPECIFIC USE STANDARDS

- **Increased Setbacks**
- **Access Limitations**
- **Odor Control**
- **Lighting Control**
- **Security Camera Orientation**
- **Secure Disposal**
- **Screening**
- **Legal Water Usage**
- **Separation Distances**
- **Fire Protection**
- **Nonconformance**
- **Inspections**

RETAILING ZONING

Conditional Use

■ **Rural Service Centers**

- Brothers, Hampton, Millican, Whistlestop, Wildhunt, Alfalfa

■ **Terrebonne**

- Commercial, Commercial Rural

■ **Tumalo**

- Commercial, Industrial

■ **Rural Commercial**

- Deschutes Junction, Deschutes River Woods Store, Spring River, Pine Forest, Rosland

■ **Rural Industrial**

■ **Sunriver**

- Commercial, Town Center, Business Park

RETAILING SPECIFIC USE STANDARDS

- **Separation Distances**
- **Hours of Operation**
- **No Window Service**
- **No Co-Location of Marijuana Clubs**
- **Inspections**

WHOLESALING (OFFICE ONLY) ZONING

Permitted

- **Rural Service Centers**
 - Brothers, Hampton, Millican, Whistlestop, Wildhunt, Alfalfa
- **Terrebonne**
 - Commercial, Commercial Rural
- **Tumalo**
 - Commercial
- **Rural Commercial**
 - Pine Forest, Roseland
- **Sunriver**
 - Commercial, Business Park

WHOLESALING (OFFICE ONLY) SPECIFIC USE STANDARDS

- **None**
- **Impacts are the same as any office use**

OTHER AMENDMENTS

- **Marijuana related definitions**
- **Marijuana related uses are prohibited as home occupations**
- **Medical marijuana dispensary regulations repealed**
- **Marijuana related uses prohibited for lands subject to Titles 19 (Bend), 20 (Redmond), and 21 (Sisters)**
- **Consider formation of task force**

NEXT STEPS

- **Close oral record today**
- **Written record open until a date TBD**
- **Deliberations are scheduled for December 21, 2015**

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For More Information Visit:

www.deschutes.org/marijuana

