

Board of County Commissioners
Public Hearing to Consider:

HB 3400
Opt Out of Marijuana Businesses
in Unincorporated Areas
(outside cities)



AUGUST 12, 2015

HEARING FORMAT

- Public hearings at 10:00 a.m. and 5:30 p.m. today
- The hearings will be conducted in the following order:
 1. Staff will provide a presentation.
 2. Public hearing (testimony).
 3. Board to continue or close the public hearing.
 4. Board to deliberate and decide whether to adopt an ordinance to opt out some/all marijuana businesses at a future public meeting.



BACKGROUND

- Electors of Oregon passed Ballot Measure 91 (recreational marijuana) in November 2014.
- 2015 Legislature enacted HB 3400 on June 30, 2015, including opt out provisions for marijuana businesses.
 - Deschutes County may opt out by adopting an ordinance within 180 days of the effective date of HB 3400 (June 30, 2015).
 - Grandfathering for existing medical processors and dispensaries that have successfully completed the local land use process (no applications submitted).



BACKGROUND

- **BOCC may enact an ordinance which prohibits the establishment of any or all of the following businesses in the UNINCORPORATED AREA of Deschutes County:**
 - a. Medical Marijuana processing sites;**
 - b. Medical Marijuana dispensaries;**
 - c. Recreational Marijuana producers (growers);**
 - d. Recreational Marijuana processors;**
 - e. Recreational Marijuana wholesalers;**
 - f. Recreational Marijuana retailers; or**
 - g. Any combination of the entities described above.**



PUBLIC HEARING PURPOSE

- To receive public input on whether to enact an ordinance to opt out of marijuana businesses in unincorporated Deschutes County (outside cities).
- Why now?
 - Significant public interest. Hearing provides an opportunity for everyone to share their opinions.
 - Provide clarity to citizens, businesses, agencies, etc. on what's legal & what's not as soon as possible.
 - Inform private investment decisions.



PUBLIC HEARING PURPOSE

- This is NOT a public hearing to address:
 - Measure 91 (it's the law).
 - Marijuana businesses in the cities of Bend, La Pine, Redmond or Sisters.
 - Personal grow, use or possession of recreational marijuana.



HB 3400: A LAND USE SNAPSHOT

- **Retail Marijuana Production (“commercial grows”), as licensed by OLCC, is:**
 - **An agricultural crop that is permitted outright in the Exclusive Farm Use (EFU) Zone like any other farm crop.**
 - **Entitled to protections and duties provided under the Oregon Right to Farm Act.**
 - **Eligible for farm use deferral under Oregon property tax law like any other farm crop.**



HB 3400: A LAND USE SNAPSHOT

■ Land Use:

- Requires a Land Use Compatibility Statement (LUCS) from local government prior to OLCC's issuance of marijuana business license.
- In EFU, the law prohibits farm stands, farm commercial activities, and new farm dwellings based on marijuana crops.
- Allows counties to permit marijuana crops in farm and forest zones, similar to EFU:
 - Forest 1 & 2 Zones (F-1, F-2)
 - Multiple Use Agricultural-10 Zone (MUA-10)
 - Rural Residential-10 Zone (RR-10)



ZONING

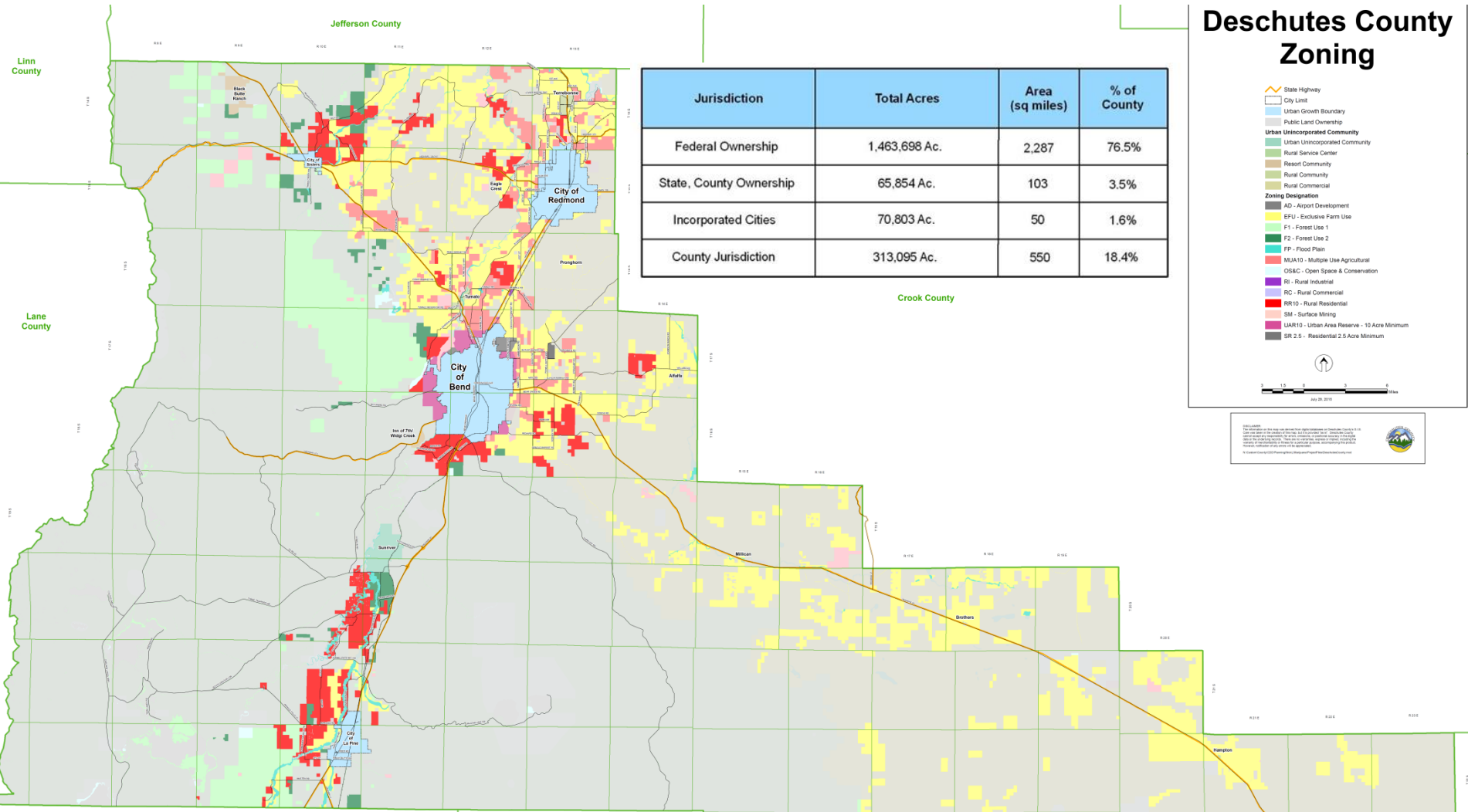
Deschutes County Zoning

Jurisdiction	Total Acres	Area (sq miles)	% of County
Federal Ownership	1,463,698 Ac.	2,287	76.5%
State, County Ownership	65,854 Ac.	103	3.5%
Incorporated Cities	70,803 Ac.	50	1.6%
County Jurisdiction	313,095 Ac.	550	18.4%

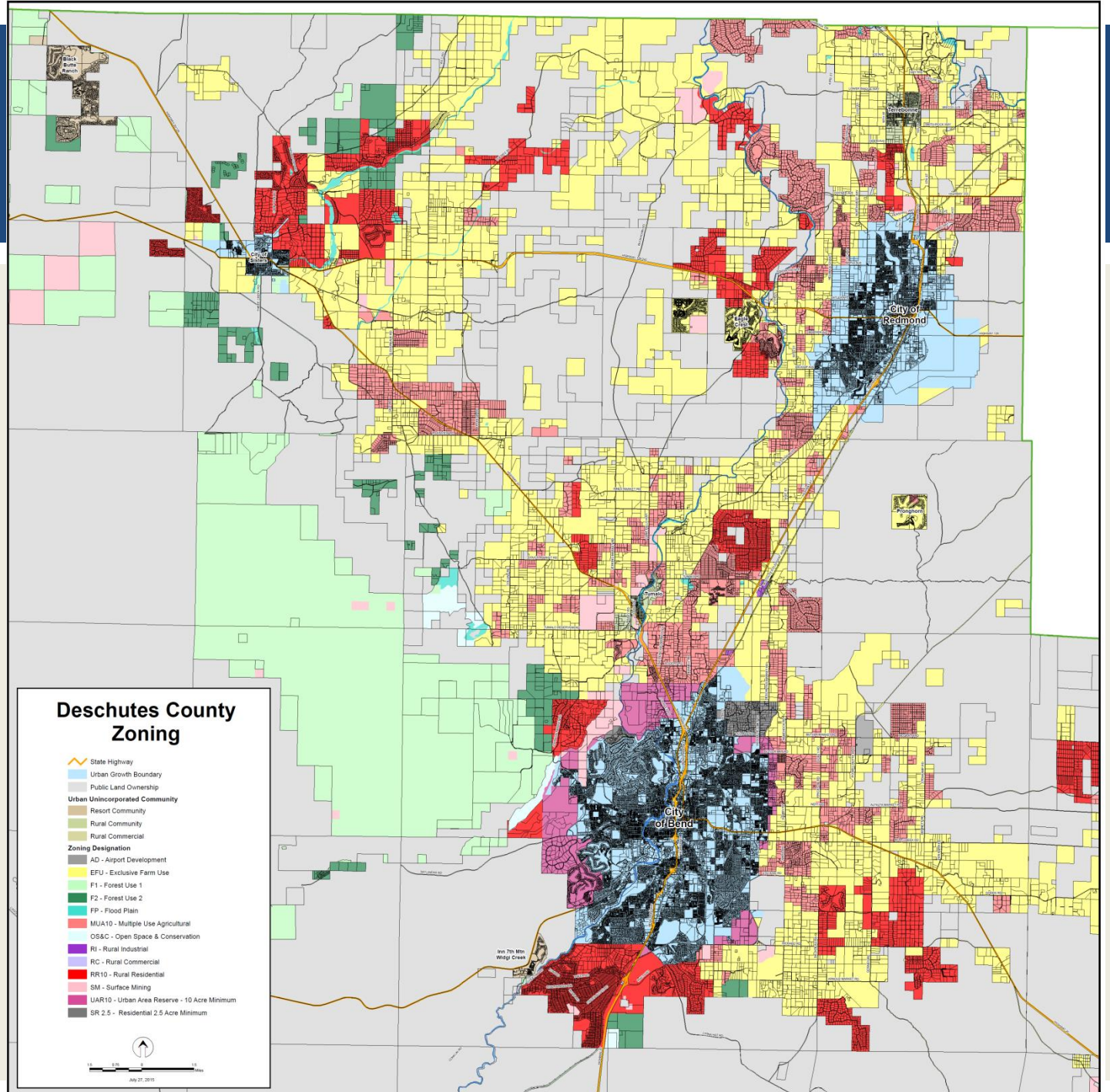
- State Highway
- City Limit
- Urban Growth Boundary
- Public Land Ownership
- Urban Unincorporated Community**
- Urban Unincorporated Community
- Rural Service Center
- Resort Community
- Rural Community
- Rural Commercial
- Zoning Designation**
- AD - Airport Development
- EFU - Exclusive Farm Use
- F1 - Forest Use 1
- F2 - Forest Use 2
- FP - Flood Plain
- MU/10 - Multiple Use Agricultural
- OS/AC - Open Space & Conservation
- RI - Rural Industrial
- RC - Rural Commercial
- RR10 - Rural Residential
- SM - Surface Mining
- UA/10 - Urban Area Reserve - 10 Acre Minimum
- SR 2.5 - Residential 2.5 Acre Minimum



DESCHUTES COUNTY ZONING MAP PREPARED BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT, 2010. THE INFORMATION ON THIS MAP IS FOR GENERAL INFORMATION ONLY AND DOES NOT CONSTITUTE A WARRANTY OF ANY KIND. THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT IS NOT RESPONSIBLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS MAP. THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT IS NOT RESPONSIBLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS MAP.



ZONING



ZONING

South Deschutes County Zoning

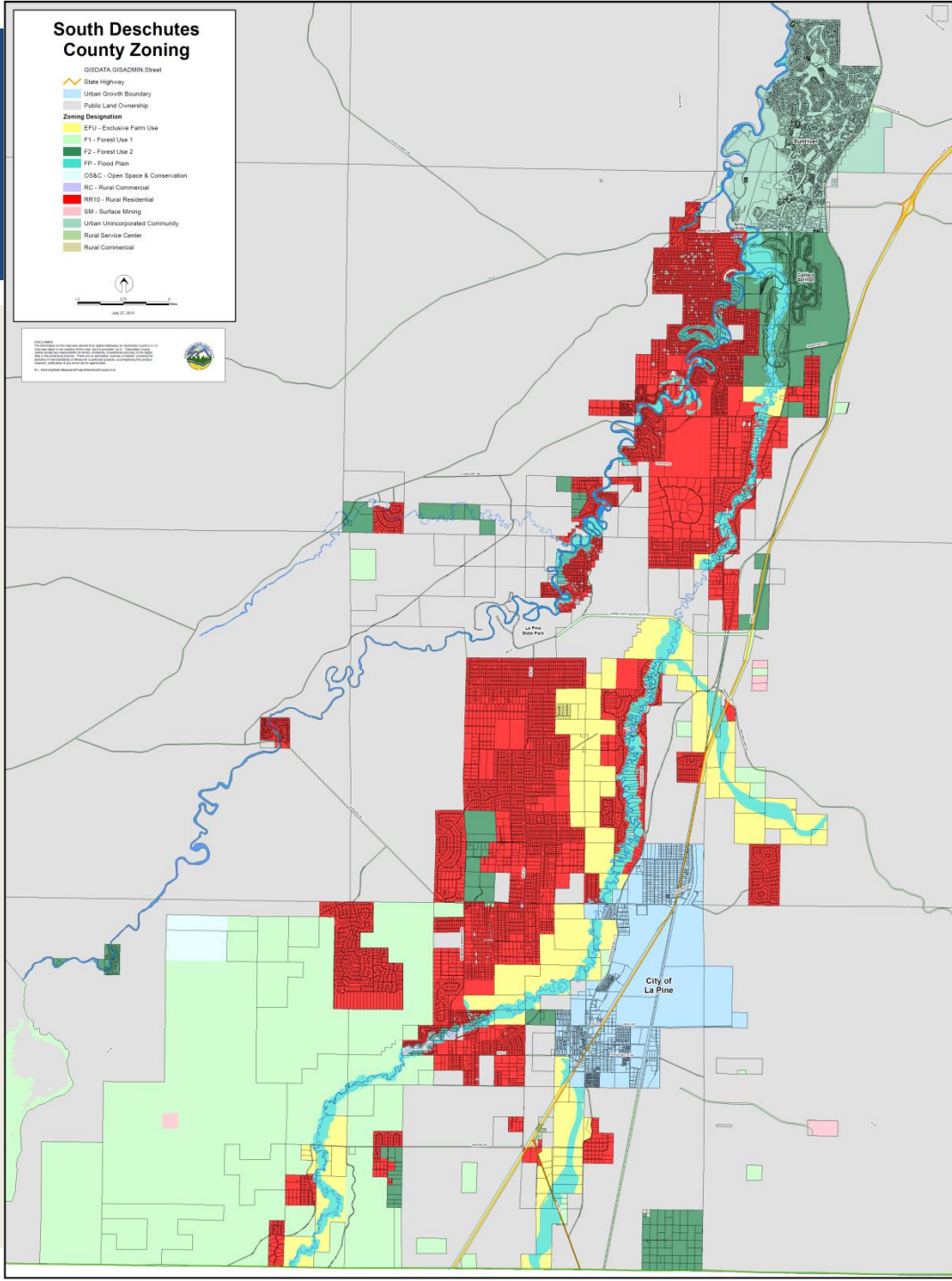
GISDATA:GISADMIN.Street

- State Highway
- Urban Growth Boundary
- Public Land Ownership
- Zoning Designation**
- EFU - Exclusive Farm Use
- F1 - Forest Use 1
- F2 - Forest Use 2
- FP - Flood Plain
- OSAG - Open Space & Conservation
- RC - Rural Commercial
- RR - Rural Residential
- SM - Surface Mining
- Urban Unincorporated Community
- Rural Service Center
- Rural Commercial












April 2011

DESCHUTES COUNTY
The Deschutes County Board of Commissioners is pleased to announce the adoption of the South Deschutes County Zoning Ordinance. This ordinance is a result of the public input received during the public hearing process. The ordinance is effective as of the date of adoption. For more information, please contact the Planning Department at (503) 325-2200 or visit our website at www.deschutescounty.gov.



ZONING

East Deschutes County Zoning

-  State Highway
-  Public Land Ownership
- Zoning Designation**
-  EFU - Exclusive Farm Use
-  FP - Flood Plain
-  MUA10 - Multiple Use Agricultural
-  OS&C - Open Space & Conservation
-  RR10 - Rural Residential
-  SM - Surface Mining
-  Rural Service Center

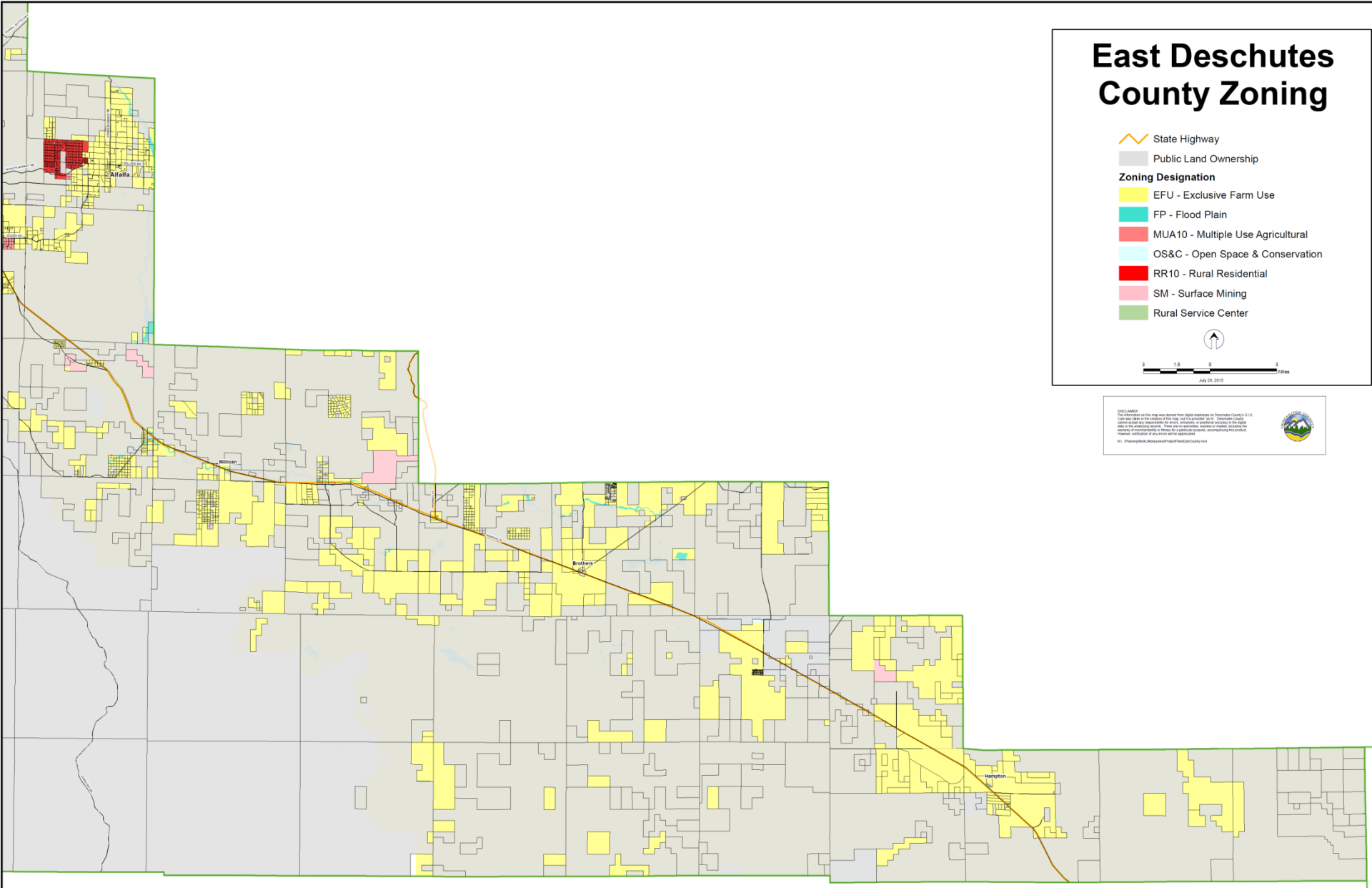


July 26, 2015

DISCLAIMER:
Data provided on this map was derived from digital databases of Deschutes County, OR. It is the user's responsibility to verify the accuracy of the information presented on this map. The user assumes all responsibility for errors, omissions, or outdated accuracy in the digital data or any other source. While every effort is made to ensure the accuracy of the information presented, the user assumes all responsibility for any errors or omissions. No warranty is made by the County of Deschutes for any errors or omissions.



NO. PlanningMapServer/FieldCartServer



OPT OUT: WHAT DOES IT MEAN?

- Marijuana businesses identified in the ordinance would be prohibited in unincorporated areas.
- Community Development Department cannot sign OLCC form (LUCS) for “opt out” businesses, and OLCC cannot issue a license for those businesses.
- Temporary moratorium in effect until the November 2016 general election.
- Local option tax is prohibited, and disqualification for shared state tax revenue.



PARTIAL OPT OUT OR NO OPT OUT

- Partial opt out – selected marijuana businesses prohibited:
 - Ordinance referred to voters in Nov. 2016.
 - Disqualification from state shared revenue.
- No opt out:
 - Marijuana is a farm crop in the EFU zone.
 - Board may decide in the future to allow and/or regulate marijuana businesses in other zones as allowed by HB 3400.



BOARD DECISION(S)

- Prohibit the establishment of any or all of the following businesses in the UNINCORPORATED AREAS of Deschutes County:
 - a. Medical Marijuana processing sites;
 - b. Medical Marijuana dispensaries;
 - c. Recreational Marijuana producers (growers);
 - d. Recreational Marijuana processors;
 - e. Recreational Marijuana wholesalers;
 - f. Recreational Marijuana retailers; or
 - g. Any combination of the entities described above.



PUBLIC HEARING

Please:

- Sign in / fill out a public comment card
- Come to the table when called by the Chair
- State your name
- Limit your comments to 3-5 minutes
- Be respectful



BOARD

At the end of the 5:30 p.m. hearing:

- Continue or close the public hearing?
- If the hearing is closed, the Board will deliberate at a future public meeting.

