

# Deschutes County Board of County Commissioners

May 4, 2016  
Deliberations

Marijuana Land Use Regulations &  
Ordinance 2015-009



# DELIBERATIONS PROCESS

- Deliberate Use Categories, Definitions, Zones
  - Time, place, and manner regulations (Specific Use Standards)
  - Opt-In / Opt-Out except medical PRODUCTION

## MEDICAL

- DISPENSARY
- GROW SITES (PRODUCTION)
- PROCESSING

## RECREATIONAL

- WHOLESALE
- RETAIL
- PRODUCTION
- PROCESSING

# DELIBERATIONS PROCESS

- **Deliberate Use Categories**
  1. **Medical & Recreational PRODUCTION**
  2. **Medical & Recreational PROCESSING**
  3. **Medical DISPENSARY & Recreational RETAIL**
  4. **Recreational WHOLESale**
- **Assume medical & recreational regulations will be consistent unless specified**
- **Existing medical production will be required to comply with new Specific Use Standards within set timeline**
- **Existing medical processing required to fully comply**

# DELIBERATIONS PROCESS

- **Deliberate each Specific Use Standard (Time, Place, and Manner Regulations) – reference the matrix, binder, public comments**
  - **MAC consensus items**
  - **MAC non-consensus items**
  - **Items MAC did not discuss**
- **Compare to Planning Commission Recommendation**
- **Public comments (very high level), if any**
- **Board questions**
- **Board deliberations and decision on the Specific Use Standard**

# DELIBERATIONS PROCESS

- Board decision to Opt-In / Opt-Out for the Use
- If Board decides to Opt-In, then decision(s) on:
  - Zones including Titles 19-21
  - Permitted Use with standards or Conditional Use Permit
- Definitions
- Board deliberations are decisions that:
  - Direct staff to prepare amendments to County Code to be adopted by Ordinance at a future date
  - Staff to prepare findings to justify how the regulations are “reasonable” and comply with State laws
  - Ordinances will be posted about 1 week prior to Board consideration
  - Ordinances may be in effect in 90 days or by emergency (0-89 days)

# PRODUCTION



# PRODUCTION SPECIFIC USE STANDARDS

1. Home Occupations (consensus)
2. Lighting (consensus)
3. Odor (consensus)
4. Noise (consensus)
5. Minimum Separation Distances (partial consensus)
6. Yard Setback (no consensus)
7. Additional Setback (no consensus)
8. Minimum Parcel / Lot Size (no consensus)
9. Limit Number of Licenses Per Parcel / Lot (no consensus)
10. Access (no consensus)

# PRODUCTION SPECIFIC USE STANDARDS

11. Maximum Building Floor Space (not discussed)
12. Enclosed Production Only (not discussed)
13. Screening (not discussed)
14. Water (not discussed)
15. Security Cameras (not discussed)
16. Secure Disposal (not discussed)
17. On-Site Residency (not discussed)
18. Business License / Annual Reports / Inspections (not discussed)
19. Other (see matrix from other counties, public comments, etc.)



# ORDINANCE 2015-009

- **Refer Recreational Marijuana Production to November 2016 General Election**

**OR**

- **Rescind Ordinance 2015-009 for Recreational Marijuana Production**

# PRODUCTION ZONES

- **If Ordinance 2015-009 is partially rescinded to allow recreational production, then:**
  - Allowed as a Permitted Use with standards in the EFU Zone (land use application required)
  - Other Zones (MUA-10, Rural Industrial, Rural Residential-10, Forest...) and Titles 19-21
  - Permitted Use with standards or Conditional Use Permit?
  - Same or Different Specific Use Standards (lot size, etc.)?
- **If Ordinance 2015-009 is not rescinded, then proceed with regulations to apply to medical marijuana production & in which zones?**

# PROCESSING



# PROCESSING SPECIFIC USE STANDARDS

1. Home Occupations (consensus)
2. Lighting (consensus)
3. Odor (consensus)
4. Noise (consensus)
5. Minimum Separation Distances (partial consensus)
6. Yard Setback – Extracts / No Extracts (no consensus)
7. Additional Setback (no consensus)
8. Minimum Parcel / Lot Size (no consensus)
9. Access (no consensus)
10. Fire Protection (not discussed)
11. Other (see matrix from other counties, public comments, etc.)

# PROCESSING SPECIFIC USE STANDARDS

- 11.** Indoor Processing Only (not discussed)
- 12.** Water Source (not discussed)
- 13.** On-Site Residency (not discussed)
- 14.** Business License / Annual Reports / Inspections (not discussed)
- 15.** Other (see matrix from other counties, public comments, etc.)

# ORDINANCE 2015-009

- **Refer Medical AND/OR Recreational Marijuana Processing to November 2016 General Election**  
  
**OR**
- **Rescind Ordinance 2015-009 for Medical AND / OR Recreational Marijuana Processing**

# PROCESSING ZONES

- **If Ordinance 2015-009 is partially rescinded to allow processing production, then:**
  - Allowed as a permitted use with standards in the EFU Zone (land use application required)
  - Other Zones (MUA-10, Rural Industrial, Rural Residential-10, Forest...)?
  - Permitted Use with standards or Conditional Use Permit?
  - Same or Different Standards (lot size, etc.) as EFU?

# RETAIL / DISPENSARY





# RETAIL / DISPENSARY SPECIFIC USE STANDARDS

1. Home Occupations (consensus)
2. Waste Disposal (consensus)
3. Window Service (consensus)
4. Co-Location (consensus)
5. Minimum Separation Distance (partial consensus)
6. Minors (partial consensus)
7. Hours (no consensus)
8. Odor Control (no consensus)
9. Grandfather Existing Dispensaries (no consensus)
10. Outdoor Patio Space (no consensus)
11. Business License / Annual Reports / Inspections (not discussed)
12. Other (see matrix from other counties, public comments, etc.)

# ORDINANCE 2015-009

- **Refer Marijuana Dispensary AND/OR Retail to November 2016 General Election**

**OR**

- **Rescind Ordinance 2015-009 for Marijuana Dispensary AND/OR Retail**

# RETAIL / DISPENSARY SPECIFIC USE STANDARDS

- **If Ordinance 2015-009 is partially rescinded to allow medical dispensary and/or recreational retail then:**
  - Allow in zones as recommended by the Planning Commission and Marijuana Advisory Committee (MAC)?

# WHOLESALE



# WHOLESALE SPECIFIC USE STANDARDS

1. Office Only (consensus)
2. Home Occupations (no consensus)
3. Business License / Annual Reports / Inspections (no consensus)
4. Other (see matrix from other counties, public comments, etc.)

# ORDINANCE 2015-009

- **Refer Marijuana Wholesale to November 2016 General Election**

**OR**

- **Rescind Ordinance 2015-009 for Marijuana Wholesale**

# WHOLESALE SPECIFIC USE STANDARDS

- **If Ordinance 2015-009 is partially rescinded to allow wholesale, then:**
  - Allow in zones as recommended by the Planning Commission and Marijuana Advisory Committee (MAC)?

# DEFINITIONS





# DEFINITIONS

- **Adopt definitions as recommended by the Planning Commission.**
- **Other?**

# NEXT STEPS

- 1.** Continue deliberations to Monday, May 9 and/or Wednesday, May 11
- 2.** Staff will prepare text amendments and Ordinance(s) per Board decisions once deliberations are completed
- 3.** Text amendments and Ordinance(s) to be posted approximately 1 week prior to Board consideration for adoption