

Deschutes County Planning Commission

October 22, 2015

Work Session

File No. 247-15-000542-TA

Land Use Regulation of Marijuana Related Businesses



Overview

- **Marijuana in Oregon**
 - Quick Facts
 - Regulation and State Law
- **Marijuana in Deschutes County**
 - Measure 91 Results
 - Board Options
 - Process to Date
 - Proposed Regulations
- **Schedule**
- **Questions**

Marijuana in Oregon

Quick Facts

- Marijuana is illegal under Federal law (CSA)
- Oregon law allows possession/consumption of marijuana for medical and adult (+21) recreational use.
- Applicable Rules and Laws are Very Fluid
 - Five related bills enacted by 2015 legislature
 - OLCC is currently in rule making (3rd revision issued today)
 - Interpretation and regulatory approaches are evolving
 - Examples: -Allow as Permitted vs. Conditional Use
 - Move standards to out of zoning ordinance

Marijuana in Oregon

- **Oregon Medical Marijuana Program (1998)**
 - Regulated by Oregon Health Authority (OHA)
- **Recreational Marijuana (2014)**
 - Regulated by Oregon Liquor Control Commission (OLCC)



Marijuana in Oregon

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 “Opt Out” of Marijuana Businesses

Allows County to Establish “Reasonable Regulations”

- “Time, Place, and Manner” Standards

Marijuana in Deschutes County

Measure 91

- 51.9% in favor, 48.1% opposed in Deschutes County

Board Options Were:

1. “Opt Out” of One or More of Business Categories
2. Take No Action
3. Adopt New Land Use Regulations of Marijuana Uses
4. A Combination of the Above

Marijuana in Deschutes County

Process to Date

- **August 12** Board held public hearing to consider “opt out” of marijuana related uses in the County
- **August 17** Board decided not to “opt out” in favor of establishing regulations
- **September 2** Board directed approach was chosen to draft regulations
- **September 21-30** Board conducted 3 work sessions with staff and drafted proposed regulations

Marijuana in Deschutes County

Proposed Time, Place and Manner Regulations

- Place - Where the uses can be located
 - Zoning, parcel size, separation
- Time and Manner - How the uses must be designed and operated
 - Specific use development standards

Marijuana in Deschutes County

Proposed Use Categories

- **Production** - Growing (M/R)
- **Processing** - Products, concentrates, or extracts (M/R)
 - Type 1- trimming, drying ,curing, and packaging
 - Type 2 – concentrates, extracts, infused products
- **Retail** - Selling to a consumer (M/R)
- **Wholesaling** - Selling to person not consumer (R)
 - Office only
 - Including onsite storage of product

Production - Zoning

- P- Permitted
- CU – Conditional Use

18.16 Exclusive Farm Use - EFU	P
18.32 Multiple Use Agricultural - MUA10	CU
18.36 Forest Use - F-1	CU
18.40 Forest Use - F-2	CU
18.52 Surface Mining - SM	CU
18.60 Rural Residential - RR-10	CU
18.65 RURAL SERVICE CENTER - UC	
18.65.020 Commercial Mixed Use District (Brothers, Hampton, Millican, Whistlestop, Wildhunt)	CU
18.65.021 Commercial Mixed Use (Alfalfa)	CU
18.65.022 Residential District (Alfalfa)	CU
18.66 TERREBONNE RURAL COMMUNITY	
18.66.030 Residential 5-acre - TeR5	CU
18.67 TUMALO RURAL COMMUNITY	
18.67.030 Residential 5-acre - TuR5	CU
18.74 RURAL COMMERCIAL	
18.74.020 Deschutes Junction and Deschutes River Woods Store	CU
18.100 Rural Industrial	CU

Processing - Zoning

- P- Permitted
- CU – Conditional Use

	Type 1	Type 2
18.16 Exclusive Farm Use - EFU	P	P
18.32 Multiple Use Agricultural - MUA10	CU	CU
18.66 TERREBONNE RURAL COMMUNITY		
18.66.040 Commercial - TeC	CU	CU
18.66.050 Commercial Rural - TeCR	CU	CU
18.67 TUMALO RURAL COMMUNITY		
18.67.040 Commercial - TuC	CU	CU
18.67.060 Industrial - Tul	P	CU
18.100 Rural Industrial	P/CU	CU
18.108 SUNRIVER UUC		
18.108.110 Business Park - SUBP	P	CU

Production and Processing - Standards

- **Setbacks**

- 100 ft setback from lot line
- 300 ft from existing dwelling not located on same property

- **Access**

- **Odor**

- Filtration equipment in buildings and greenhouses

- **Lighting**

- Screened or shielded from sunset to sundown
- Not used for outdoor grow

- **Security Cameras**

- **Secure Disposal**

Production and Processing - Standards (cont.)

- **Noise**
 - Not to exceed 50 dB(A) at property lined between 10:00pm-7:00am
- **Screening**
 - Vegetation, berms, topography, wall, fence, or other
- **Water**
- **Separation Distances**
 - 1,000 feet from public/private schools and licensed child care centers/preschools

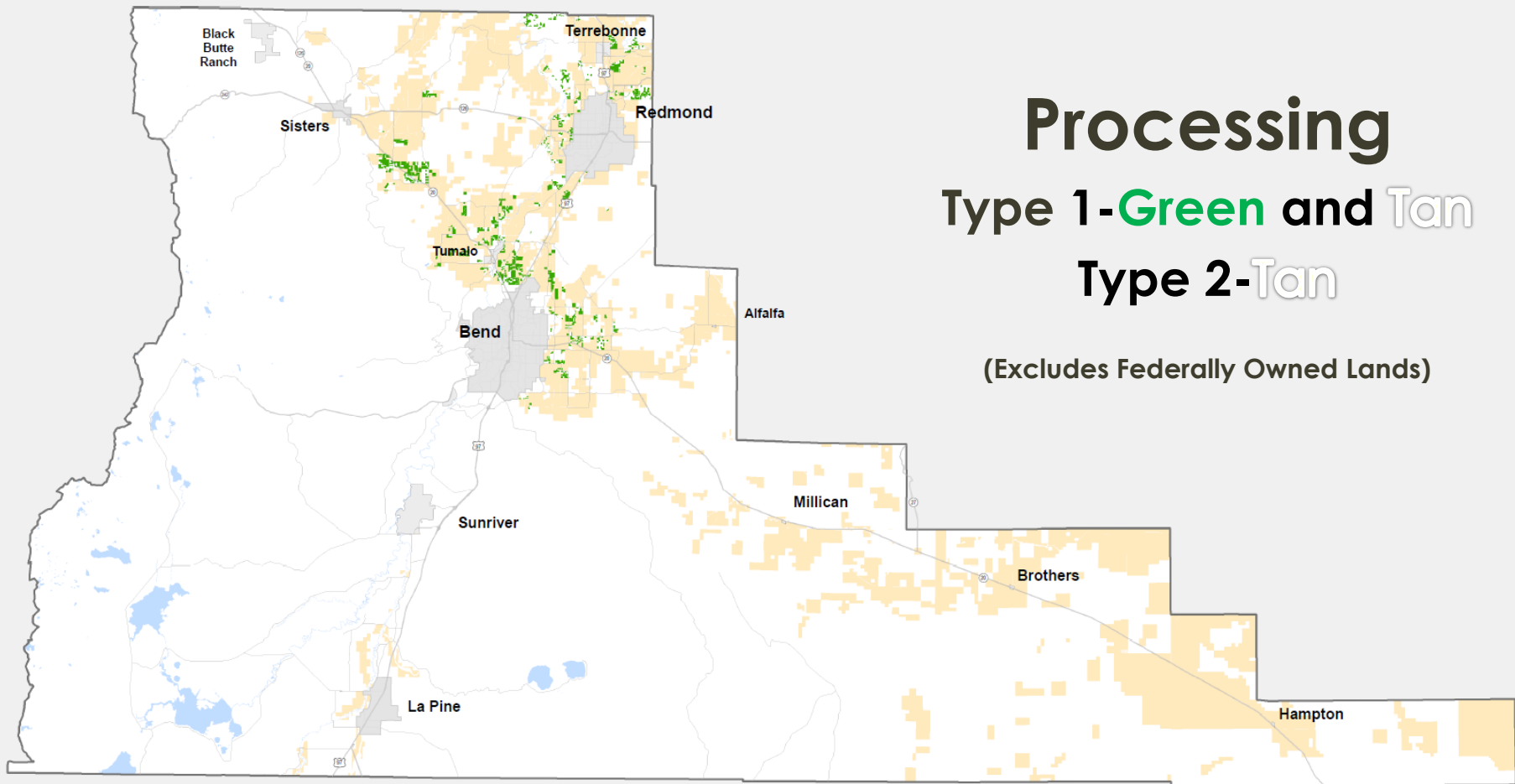
Production and Processing – Standards (cont.)

- **Nonconformance**

- Existing operations must comply with the following standards by December 31, 2016:
 - Odor
 - Lighting
 - Security Cameras
 - Secure Disposal
 - Noise
 - Screening

Production and Processing – Standards (cont.)

- **Additional Standards in RR-10, MUA-10, F-1, and F-2 Zones**
 - Property owner shall reside on the property
 - Minimum parcel size:
 - Production: 5 acres
 - Processing, Type 1: 5 acres
 - Processing, Type 2: 10 acres
 - Building Area:
 - Production: 5,000 sq feet
 - Processing: 3,000 sq feet
 - Processing, Type 2 only permitted within a fire district



Processing

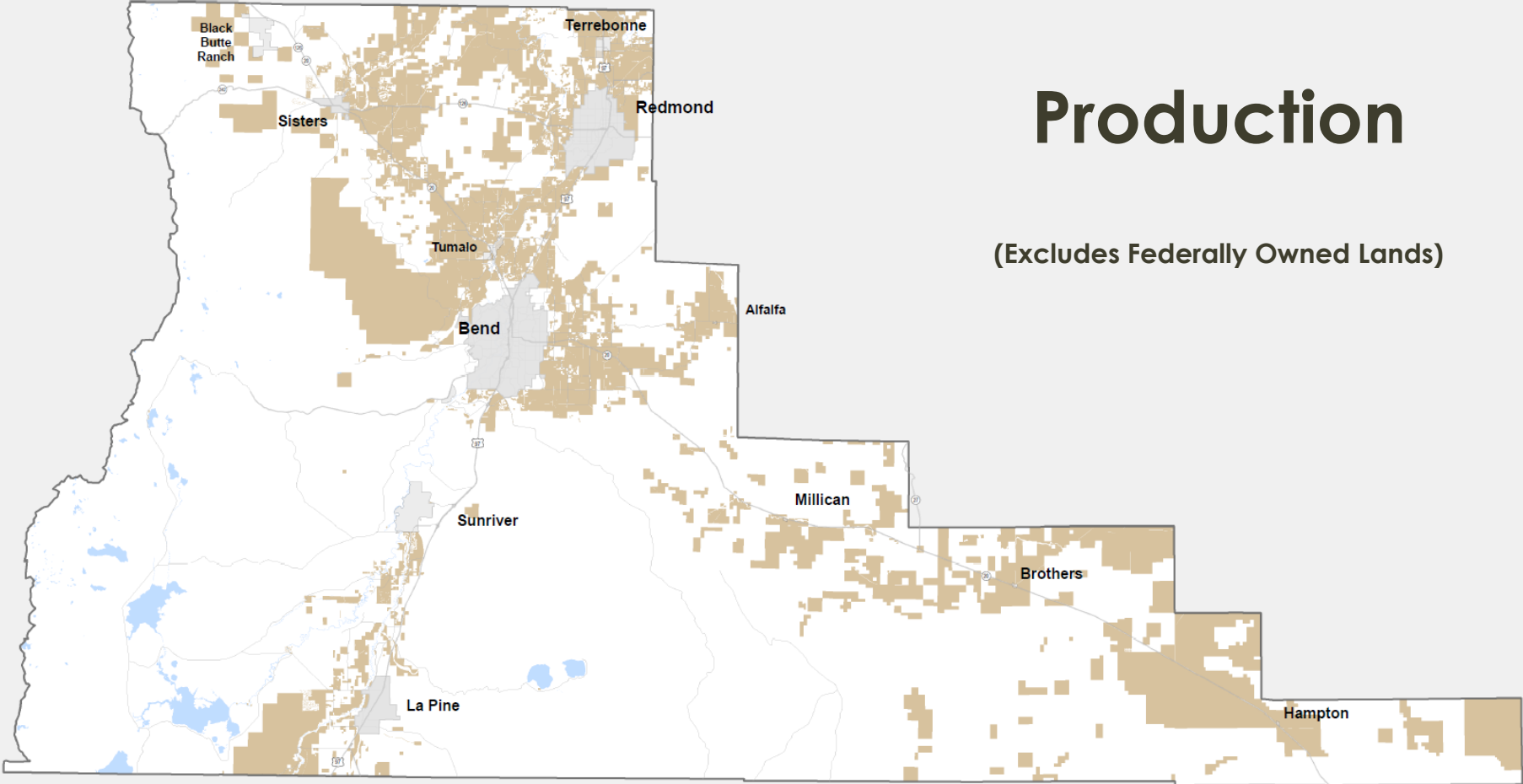
Type 1-**Green** and Tan

Type 2-Tan

(Excludes Federally Owned Lands)

Production

(Excludes Federally Owned Lands)



Retail - Zoning

- P- Permitted
- CU – Conditional Use

18.65 RURAL SERVICE CENTER - UC		
18.65.020	Commercial Mixed Use District (Brothers, Hampton, Millican, Whistlestop, Wildhunt)	CU
18.65.021	Commercial Mixed Use (Alfalfa)	CU
18.66 TERREBONNE RURAL COMMUNITY		
18.66.040	Commercial - TeC	P
18.66.050	Commercial Rural - TeCR	P
18.67 TUMALO RURAL COMMUNITY		
18.67.040	Commercial - TuC	P
18.67.060	Industrial - Tul	CU
18.74 RURAL COMMERCIAL		
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
18.100 Rural Industrial		CU
18.108 SUNRIVER UUC		
18.108.050	Commercial - SUC	CU
18.108.055	Town Center - TC	CU
18.108.110	Business Park - SUBP	CU

Retail - Standards

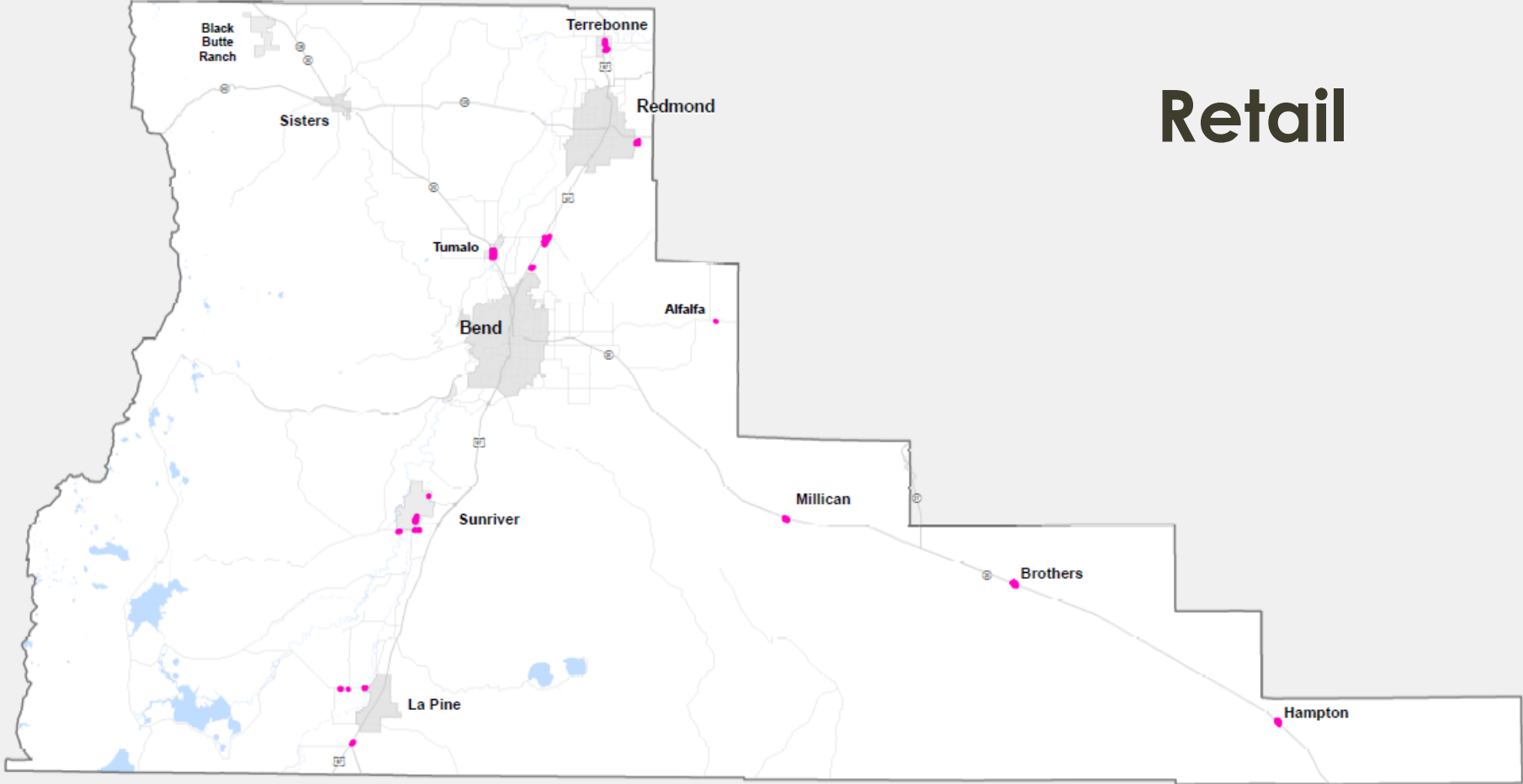
- **Hours of Operation**
 - 10:00am-7:00pm
- **No Window Service**
- **Secure Disposal**
- **No Minors**
- **No Co-Location of Related Activities and Uses**
 - No product use on site
 - No co-located on same property as marijuana social/smoke club.

Retail – Standards (cont.)

- **Separation Distances**

- 1,000 feet from public/private schools and licensed child care centers/preschools
- 1,000 feet from any other marijuana retailer
- Change of use will not cause violation

Retail



Wholesaling - Zoning

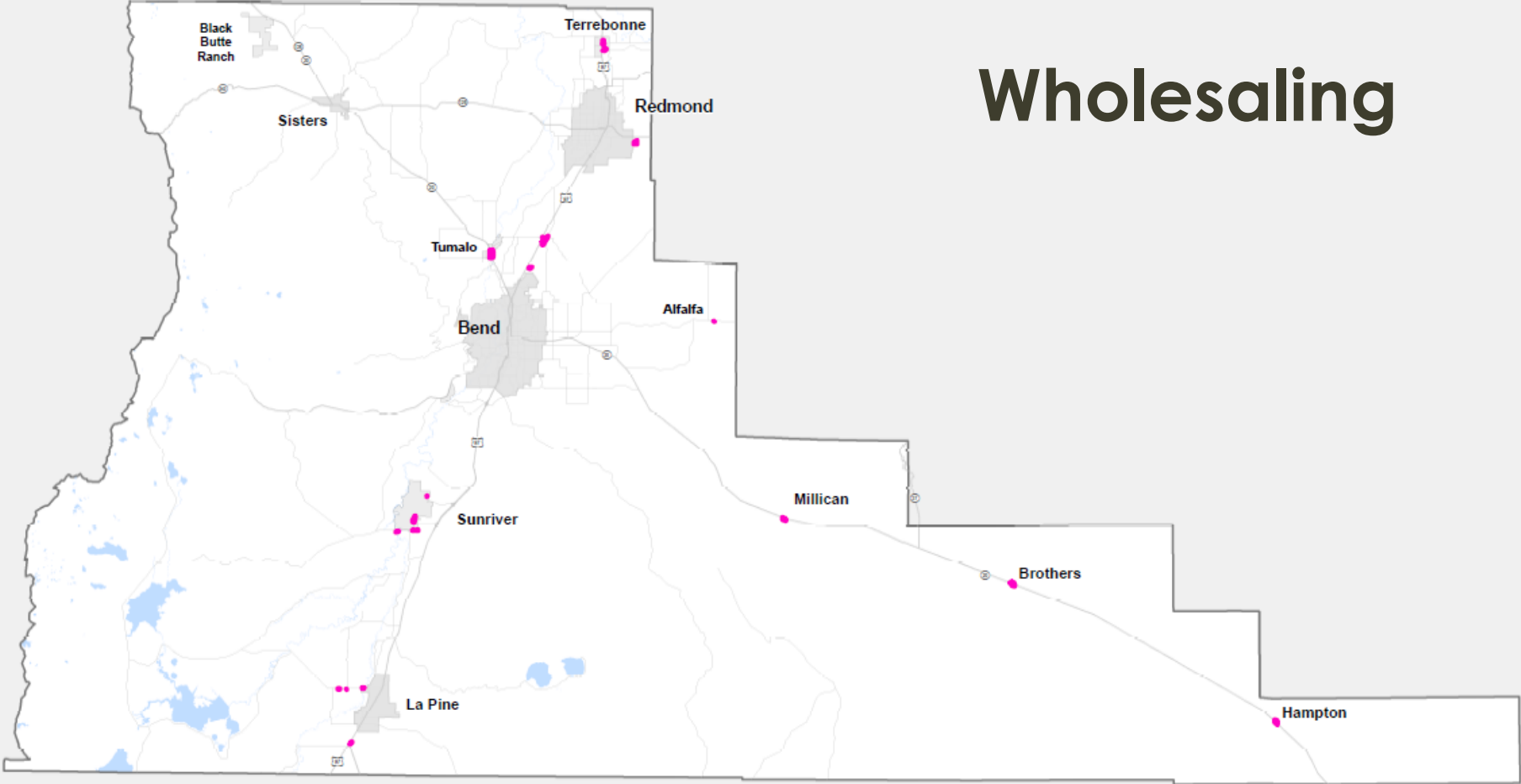
- P- Permitted
(office only)
- CU – Conditional Use
(w/ storage of product)

18.65 RURAL SERVICE CENTER - UC		
18.65.020	Commercial Mixed Use District (Brothers, Hampton, Millican, Whistlestop, Wildhunt)	P
18.65.021	Commercial Mixed Use (Alfalfa)	P
18.66 TERREBONNE RURAL COMMUNITY		
18.66.040	Commercial - TeC	P/CU
18.66.050	Commercial Rural - TeCR	P/CU
18.67 TUMALO RURAL COMMUNITY		
18.67.040	Commercial - TuC	P/CU
18.74 RURAL COMMERCIAL		
18.74.027	Pine Forest and Rosland	P
18.108 SUNRIVER UUC		
18.108.050	Commercial - SUC	P
18.108.110	Business Park - SUBP	P/CU

Wholesaling With Onsite Storage of Product - Standards

- **Secure Disposal**
- **No Co-Location of Related Activities and Uses**
 - No product use on site
 - No co-located on same property as marijuana social/smoke club.
- **Separation Distances**
 - 1,000 feet from public/private schools and licensed child care centers/preschools
 - Change of use will not cause violation

Wholesaling



Other Proposed Amendments

- **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)**
 - Areas outside of Urban Growth Boundary(UGB)

Schedule

- **10/22/15** Planning Commission Work Session
- **11/5/15** Planning Commission Public Hearing
- **11/12/15** Planning Commission Public Hearing (Cont.)
- **11/23/15** Planning Commission Deliberations
- **December 2015** Public Hearing Before the Board

- **1/1/16** OLCC must have administrative rules adopted
- **1/4/16** OLCC to Begin Accepting Licenses

deschutes.org/marijuana

The screenshot shows a web browser window displaying the Deschutes County website. The browser's address bar shows the URL www.deschutes.org/cd/page/recreational-and-medical-marijuana-land-use-regulation. The website header features the Deschutes County logo on the left, the tagline "Enhancing the lives of citizens by delivering quality services in a cost-effective manner." in the center, and a search bar on the right. A navigation menu below the header includes links for Home, Public Safety, Health & Family, Property & Development, Permits & Licenses, Government, and 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

[Marijuana Land Use Regulations](#)

Sage Grouse Conservation

Land use issues associated with medical and recreational marijuana are very dynamic. The Community Development Department is actively engaged in monitoring and working to establish regulatory standards. The information included here is intended to provide general information on the regulatory aspects of medical and recreational marijuana and identify related changes to the Deschutes County Code that are under consideration.

Marijuana Related Businesses

With new Oregon laws and regulations in place related to the production (growing), processing, wholesaling and retail of marijuana, the Board of County Commissioners (Board) is considering amending the County Code to add land use regulations for marijuana businesses. Such regulations are planned to be in place by the end of 2015, as the Oregon Liquor Control Commission (OLCC) will begin accepting marijuana business licensing applications Jan. 4, 2016.

The first draft of county regulations was drafted by planning division staff based on direction provided by the Board, and sent to the Oregon Department of Land Conservation and Development on October 2, 2015, as required by the state. The proposed text amendments related to these regulations are attached below and drafted with additional text identified by underline and deleted text identified by strike through.

The proposed amendments are to Titles 18, 19, 20 and 21. Included are definitions, the individual zones where marijuana uses (processing, production, retailing, wholesaling) are proposed to be permitted outright or conditionally, and the specific use regulations (DCC 18.116.330). A summary document and staff report will added soon.

UPCOMING MEETINGS/PUBLIC HEARINGS

The draft regulations will be reviewed at a public hearing before the County Planning Commission. The Planning Commission will provide a recommendation to be considered at a subsequent hearing before the Board. The planned schedule for these meetings and hearings is as follows:

Questions?

-

Additional Information Request?

