WORK SESSION AGENDA

DESCHUTES COUNTY BOARD OF COMMISSIONERS

1:30 PM, MONDAY, SEPTEMBER 24, 2018

Allen Conference Room - Deschutes Services Building, 2ND Floor – 1300 NW Wall Street – Bend

Work Session, which are open to the public, allow the Board to gather information and give direction to staff. Public comment is not normally accepted. Written minutes are taken for the record. Pursuant to ORS 192.640, this agenda includes a list of the main topics that are anticipated to be considered or discussed. This notice does not limit the Board’s ability to address other topics. Meetings are subject to cancellation without notice.

CALL TO ORDER

ACTION ITEMS

1. Safe Routes to School (SRTS) Grant Application: Terrebonne Community School - Chris Doty, Road Department Director

2. Youth Mental Health Grant Application Request - Jessica Jacks,

3. Marijuana Text Amendments - Tanya Saltzman, Associate Planner

COMMISSIONER’S UPDATES

EXECUTIVE SESSION

At any time during the meeting an executive session could be called to address issues relating to ORS 192.5660(2)(e); real property negotiations; ORS 192.660(2)(h) litigation; ORS 192.660(2)(d), labor negotiations; ORS 192.660(2)(b); personnel issues; or other executive session categories. Executive sessions are closed to the public; however, with few exceptions and under specific guidelines, are open to the public.
OTHER ITEMS

These can be any items not included on the agenda that the Commissioners wish to discuss as part of the meeting pursuant to ORS 192.640.

ADJOURN

Deschutes County encourages persons with disabilities to participate in all programs and activities. To request this information in an alternate format please call (541) 617-4747.

FUTURE MEETINGS:
Additional meeting dates available at www.deschutes.org/meetingcalendar
Meeting dates and times are subject to change. If you have question, please call (541) 388-6572.
AGENDA REQUEST & STAFF REPORT

For Board of Commissioners Work Session of September 24, 2018

DATE: September 17, 2018

FROM: Chris Doty, Road Department, 541-322-7105

TITLE OF AGENDA ITEM:
Safe Routes to School (SRTS) Grant Application: Terrebonne Community School

RECOMMENDATION & ACTION REQUESTED:
"I move approval to submit a grant application to ODOT's Safe Routes to School program for sidewalk improvements adjacent to the Terrebonne Community School"

ATTENDANCE: Chris Doty, Road Department

SUMMARY: Within HB 2017 the Legislature funded a significant increase to ODOT's Safe Routes to School (SRTS) grant program. Once fully implemented, the program will fund approximately $15M per year in infrastructure and non-infrastructure projects to increase safety and encourage walking and biking to school.

ODOT recently issued a call for infrastructure projects for funding in 2019. Given a narrow timeframe to issue funding, criteria have been established as follows:

1. Infrastructure only.
2. Must serve a Title I school (40% or greater free or reduced lunch).
3. The project must be contained within an approved plan (SRTS plan, TSP, etc).

In advance of this call for projects, Terrebonne Community School representatives raised an issue regarding safety on the north side of the school (C-Avenue). The majority of walking and biking traffic occurs from the north side of the campus and must cross C-Avenue (collector) to access various neighborhoods north of the school. C-Avenue does not have sidewalk and students must navigate parent pickup in addition to traffic on the road.

The proposed SRTS project will construct sidewalk on both sides of C-Avenue (US 97 to 6th Street) and channelize student crossing to the 8th Street crossing location. The improvements will accommodate parent loading/unloading on the north side in a more organized manner.

The proposed improvements are contained within Deschutes County's Transportation System Plan (medium priority) and Terrebonne Community School is a Title I school, thereby meeting the criteria of the SRTS program.
As a Title I school, the grant will fund 80% of the proposed project which is estimated at $436,589. Deschutes County will therefore provide a 20% match ($87,318) and request $349,271 in SRTS grant funding for the project. The SRTS program does not award bonus points for a match contribution in excess of the required 20%. Assuming award next spring, the project can be delivered in the summer of 2019.

The next SRTS call for projects will occur in two years and will include both infrastructure and non-infrastructure projects.
The information on this map was derived from the digital databases on the Deschutes County's G.I.S. Care was taken in the creation of this map, but it is provided "as is." Deschutes County cannot accept any responsibility for errors, omissions, or positional accuracy in the digital data or the underlying records. There are no warranties, express or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.
DATE: September 18, 2018

FROM: Jessica Jacks, Health Services,

TITLE OF AGENDA ITEM:
Youth Mental Health Grant Application Request

RECOMMENDATION & ACTION REQUESTED:
Staff recommend approval to apply for the Youth Mental Health grant.

ATTENDANCE: Jessica Jacks, Health Services Prevention Programs Supervisor

SUMMARY: The National Council for Behavioral Health's Youth Mental Health grant supports youth engagement projects focused on reducing depression, anxiety and suicide. We propose submitting an application that will expand our current evaluation of the Bend and Sisters Youth Action Councils and help us prepare for program expansion and replication.

This aligns with Health Services' Strategic Goal #1: Promote Health and Prevent Disease and the indicators for adolescent suicide risk. Specifically, we have prioritized the following change:
Decrease the percentage of 6th, 8th, and 11th graders reporting that they seriously considered attempting suicide over the past year from 7.4%, 15.0%, and 19.3%, respectively, to 6.4%, 14.0%, and 17.3%, respectively.

If awarded, the $100,000 grant would support and strengthen existing core programs, specifically the delivery of Youth Action Councils in order to foster youth engagement and create school-wide system change for mental health promotion and well-being. This funding would support existing staff, contracted services, and materials and services and would allow us to expand evaluation and consultation services. We anticipate the following breakdown over the course of the 1.5 year grant:
• Salary and benefits 0.15 FTE $30,000
• Contracted services $30,000
• Materials and services $30,000
• Indirect cost $10,000
Deschutes County Health Services

GRANT APPLICATION REQUEST

Official Grant Title: Youth Mental Health
Source of Grant Funds: National Council for Behavioral Health
Funding Amount (include amount per year if multiple years): $100,000 over the course of one and a half years, January 2019-September 2020
Required Matching Funds (if applicable): n/a
Application Due Date and Submission Method: Electronic submission by Friday, October 5
FTE Required and Cost of FTE: Grant would support 0.15 existing FTE
Staff Responsible: Kelby Christ
Grant Administrator (if awarded): Jessica Jacks

Please answer the following questions:

1. Briefly summarize what work the grant is intended to accomplish:

The grant supports youth engagement projects focused on reducing depression, anxiety and suicide. We intend to submit an application that will expand our current evaluation of the Bend and Sisters Youth Action Councils and help us prepare for program expansion and replication. The main project components would be:

- Implement Youth Action Councils in the classroom at Bend High School and Sisters High School
- Facilitate partner engagement with school administration, including Board, and families
- Technical assistance and training on research methods for Deschutes County Health Services (DCHS) staff
- Evaluate program design, implementation and outcomes
- Prepare for program expansion and replication to other areas of Deschutes County

Project deliverables will be:

1) Evaluate the Youth Action Council model for improving student connection and decreasing loneliness
2) Define and describe the Youth Action Council model for replication at other sites
3) Develop a “toolkit” for program expansion including necessary resources (staffing, financial, resources, training, sustainability plan, etc.)

We believe the funder would be interested in our innovative approach to youth engagement and want to support a rigorous evaluation for potential replication elsewhere as well as set us up for success as we expand across Deschutes County.

2. What priorities in the Health Services Strategic Plan would this grant activity support? Provide data to describe a documented health need that would be addressed and that is consistent with the Strategic Plan.
This aligns with DCHS Strategic Goal #1: Promote Health and Prevent Disease and the indicators for adolescent suicide risk. Specifically, we have prioritized the following change:

Decrease the percentage of 6th, 8th, and 11th graders reporting that they seriously considered attempting suicide over the past year from 7.4%, 15.0%, and 19.3%, respectively, to 6.4%, 14.0%, and 17.3%, respectively.

3. Would this support core program activities and, if so, which one(s)? Are additional funds needed to support these activities?

Funding would support and strengthen existing core programs, specifically the delivery of Youth Action Councils to foster youth engagement and create school-wide system change for mental health promotion and well-being. Additional funds would be provided through this grant opportunity to support core program expansion.

4. Does this funding add new program activities? If so, what are the activities? Is it appropriate to add these new activities at this time?

The new activities that would be funded by this grant are expanded evaluation and consultation services.

5. Is there a science base to support delivering the activities and services listed? Please describe that science base.

Yes. The Youth Action Councils utilize the Youth Action Participatory Research curriculum which is evidence based.

Relevant scientific evidence is:


6. How long would the funding be available? If the funding is for less than three years, what is the plan to transition the work, staffing and expenses after the funding ends?

January 2019-September 2020

7. What is the application deadline? Do you anticipate any problems meeting this deadline?

October 5, 2018. Given the simplicity of the application and our current state of readiness, we will meet this deadline.

8. Do you have the staffing to write a competitive proposal? If not, how will you contract for these services?

Yes, particularly because our current contractor, The InQuire Group, is willing to write this in partnership with us.
9. Are there any matching requirements?

No.

10. What other partner organizations could potentially be applying? What is the plan to work with them?

This grant opportunity is open to anyone in the nation. We are unaware of any community partners currently pursuing this opportunity.

11. What are the potential political issues that could arise as a result of this application, funding, and/or activity?

None of which we are aware. Youth Engagement is very welcomed in our communities.

12. What is the fiscal impact to the department if we are awarded this grant?

This funding would support existing staff, contracted services and materials and services. We anticipate the following breakdown over the course of the 1.5 year grant:

- Salary and benefits 0.15 FTE $30,000
- Contracted services $30,000
- Materials and services $30,000
- Indirect cost $10,000

13. Will a contract be required if we are awarded this grant? If yes, is there sufficient time to complete the contract process (estimated timeline: 4-6 weeks) prior to starting the work?

Yes, if awarded we would amend our current contract with The InQuire Group to expand their evaluation and consultation services. There will be sufficient time to complete the contract process.

______________________________  ______________________
Department Director Signature  Date

Director to Attend Board Meeting? (check one)  ☑ Yes  ☐ No

Contract Specialist Review:

Board Meeting Date:  

Time:  

Grant Application Number:  

Rev. 9/18/2015
AGENDA REQUEST & STAFF REPORT

For Board of Commissioners Work Session of September 24, 2018

DATE: September 19, 2018

FROM: Tanya Saltzman, Community Development,

TITLE OF AGENDA ITEM:
Marijuana Text Amendments

This work session will address next steps for the marijuana text amendments, for which a public hearing was held on August 28, 2018.
MEMORANDUM

TO: Deschutes County Board of Commissioners
FROM: Tanya Saltzman, Associate Planner
DATE: September 19, 2018
SUBJECT: Marijuana Text Amendments – Work Session

I. OVERVIEW

The Board of County Commissioners (Board) conducted a public hearing on August 28, 2018 from 2:00 p.m. to 5:00 p.m., reconvening at 6:00 p.m., to consider Ordinance 2018-012, a series of text amendments pertaining to the regulation and enforcement of marijuana on rural lands in Deschutes County. The Board will conduct a work session on September 24, 2018 to review options for next steps.

II. PUBLIC COMMENT

Attachment 1 includes all testimony received during the open record period, from the conclusion of the public hearing until September 14, 2018 at 5:00 p.m. The following individuals submitted written testimony during this period:

- Bouziane
- Celebrate Cannabis group
- Cochrane
- Cook, C.
- Cook, S.
- Fols
- Gould
- Kellner Rode
- Pate
- Pederson
- Ritter
- Sauernborn
- Schnieder
- Sheridan
- Silliman
- Simpson
- Stout
- Threlkeld
- Wattier
III. AGENCY AND UTILITY INVOLVEMENT

In order to provide professional opinions on specific aspects of the proposed regulations, staff invited several agencies and utilities to provide testimony. The following agency and utility partners provided written and/or verbal comment and in some cases, specific recommendations concerning the code language. All agency testimony is included as Attachment 2:

- Kyle Gorman, Oregon Water Resource Department (OWRD) – submitted written comments and proposed language edits:
  - 18.116.330(B)(12)(d): Deleted “commercial” in description of wells to require water meters; advised to check with legal counsel to determine if it is appropriate to require meters

- Steve Hess, Midstate Electric Co-Op – co-signed with Central Electric Co-Op (see below)

- Quinn Keever, Bend Park & Recreation – submitted written comments

- Jeff Kitchens, Bureau of Land Management (BLM) – submitted written comments. Additional verbal suggestions:
  - 18.116.330(B)(6), Separation Distances: 18.116.330(B)(6)(v) should read “state, local, and municipal parks” to minimize ambiguity. “National monuments” already falls under federal land category and therefore is redundant. This assumes that there is intent to include local and municipal parks.

- Dave Markham, Central Electric Co-Op – submitted proposed language edits

IV. MEDICAL MARIJUANA ENFORCEMENT ISSUES

During the public hearing, a significant amount of testimony may have been addressing the negative effects—(noise, odor, etc.) of either medical or illegal grows—in other words, marijuana production that is beyond the scope of the proposed amendments. As acknowledged during the hearing, the County generally cannot identify the location of the majority of medical grow operations unless a specific complaint has been lodged, owing to Oregon state statute.

One option to be considered is to classify lawfully established medical marijuana grow sites as nonconforming uses, and expressly require existing legal medical marijuana grow sites to apply for a nonconforming use verification. A brief overview of this option was submitted to the record by staff and appears here as Attachment 3.

V. ADDITIONAL ITEMS SUBMITTED TO THE RECORD

Two additional documents were submitted to the public record by staff and are included as Attachment 4:
• A revised map showing potential production sites under the proposed regulations. This map provides more detail than the original presented during the public hearing, highlighting significant street names for clarity.
• Staff response to a citizen request for the number of parcels in the EFU zones in certain size categories.

VI. NEXT STEPS

Staff seeks Board direction and offers the following suggested approach for next steps:

Medical Marijuana
1. Separate medical marijuana text amendments from recreational marijuana text amendments, and address medical marijuana text amendments first.
2. Direct staff to return with ordinance for amending medical marijuana regulations per Board direction, potentially including nonconforming use/medical marijuana amendments, with potential to be considered as emergency.

Recreational Marijuana
3. Following adoption of the medical marijuana text amendments ordinance, conduct a work session to identify items in the recreational marijuana text amendments per Board direction;
4. Schedule and conduct deliberations on the recreational marijuana text amendments ordinance; or
5. Other action(s) as determined by the Board.

Attachments:
1. Written Testimony – From conclusion of public hearing to conclusion of open record period
2. Agency/Utility Testimony
3. Medical Marijuana Enforcement Memorandum
4. Other Documents Submitted to Record
Attachment 1:
Written Testimony from Open Record Period
TO: Tanya Saltzman, Associate Planner, Deschutes County  
FROM: James Bouziane, Rural resident and farmer (EFU), Deschutes County  
SUBJECT: Open Record/Written Record Input – Marijuana Hearing 8-28-18

Tanya, please add the following comments as part of the Open Record/Written Record for the proposed amendments to the marijuana policies and procedures as proposed by DC staff and presented and discussed by the DC Commissioners.

Support the changes

I fully support all of the proposed changes to the polices and code as described, including the suggestions by Bend Parks and Rec staff. Additionally, I would like to see production, sales, and packaging occur in commercial/retail zoned areas of Bend and not in rural Deschutes County.

I believe the proposed changes were thoughtful, responsive to the on-the-ground reality of marijuana, and were balanced for both opponents and proponents.

Water

I strongly encourage staff and the Commissioners to request and review all of the data and reports that OWRD referred to at the meeting. As Liz Dickson articulated, I believe the complexity of surface water rights and transfer of those rights, well water use, and depletion of the aquifer really need careful analysis.

I do not believe it is in the best interests of the State and County to have surface water rights transferred or vacated such that water is used in a greenhouse/indoor environment which may (has) caused fields to fallow and other unknown potential damage to our fragile desert environment.

Legislators and subject matter experts must be the voices to represent our fragile desert ecosystem and I still do not have confidence that these various interdependencies of irrigation water use, water rights, federal nexus, well water, etc have been addressed and understood thoroughly.

Electricity

I strongly encourage staff and the Commissioners to request and review all of the data and reports that CEC referred to at the meeting. The two representatives both presented concerning information about the known use of electricity, the unknown/hidden use, and the potential unlawful use. They explained severe damage to equipment, system stress, and lack of inter-agency information that would enable them to determine what is occurring “behind the meter.”

Inspections and Enforcement

I believe OLCC and DCSO both need more officers to inspect and enforce. Additionally, barriers to interagency communications need to be broken down across OWRD, OLCC, Electric/utilities, police, fire, healthcare to truly understand the scope of the issue.
Real world data to consider

*Colorado experience*

Excerpts from the Denver Post, 2017:


“The number of drivers involved in fatal crashes in Colorado who tested positive for marijuana has risen sharply each year since 2013, more than doubling in that time, federal and state data show.”

“The trends coincide with the legalization of recreational marijuana in Colorado that began with adult use in late 2012, followed by sales in 2014.”

“We went from zero to 100, and we’ve been chasing it ever since,” Greenwood Village Police Chief John Jackson said of the state’s implementation of legalized marijuana. “Nobody understands it and people are dying. That’s a huge public safety problem.”

“The 2013-16 period saw a 40 percent increase in the number of all drivers involved in fatal crashes in Colorado, from 627 to 880, according to the NHTSA data. Those who tested positive for alcohol in fatal crashes from 2013 to 2015 — figures for 2016 were not available — grew 17 percent, from 129 to 151.”

By contrast, the number of drivers who tested positive for marijuana use jumped 145 percent — from 47 in 2013 to 115 in 2016. During that time, the prevalence of testing drivers for marijuana use did not change appreciably, federal fatal-crash data show.”

“I never understood how we’d pass a law without first understanding the impact better,” said Barbara Deckert, whose fiancée, Ron Edwards, was killed in 2015 in a collision with a driver who tested positive for marijuana use below the legal limit and charged only with careless driving. “How do we let that happen without having our ducks in a row? And people are dying.”

“Critics see the data as proving Colorado moved too fast in legalizing the drug without first understanding its impact behind the wheel – as if handing over the keys to the car without knowing who was driving.”

“Colorado has chosen not to measure the outcomes of legalized marijuana, paying more attention to the commercialization,” said Ed Wood of DUID (Driving Under the Influence of Drugs) Victim Voices, an organization he founded after his son’s traffic death caused by a drugged driver. “People have referenced this as the grand experiment, ... and the only outcome they measure is the tax revenue, and that’s shameful and a disgrace.”
“Among The Post’s other findings:

- Marijuana is figuring into more fatal crashes overall. In 2013, drivers tested positive for the drug in about 10 percent of all fatal crashes. By 2016, it was 20 percent.

- More drivers are testing positive for marijuana and nothing else. Of the drivers involved in fatal crashes in 2014 who tested positive for cannabinoids, more than 52 percent had no alcohol in their system. By 2016, it had grown to 69 percent.

- The average age of drivers in deadly crashes in 2015 who tested positive for marijuana was nearly 35, with a quarter of them over 40.

- In 2016, of the 115 drivers in fatal wrecks who tested positive for marijuana use, 71 were found to have Delta-9 tetrahydrocannabinol, or THC, the psychoactive ingredient in marijuana, in their blood, indicating use within hours, according to state data. Of those, 63 percent were over 5 nanograms per milliliter, the state’s limit for driving.

**Washington State experience**

“The trends in the state appear nearly identical in Washington state, where recreational marijuana was legalized at about the same time. Officials there have been tracking the drug’s impact on driving much more carefully and for a longer period, statistics show.

What Washingtonians have been seeing is starting to be revealed here: “Drug-impaired driving is now eclipsing alcohol, and that’s frustrating,” said Darrin Grondel, director of Washington’s Traffic Safety Commission, which is gathering and studying the data.”

**Bend Oregon experience**

We are determining that now! What story will be told in 3-5 years?

**General thoughts**

The following comments are for your consideration in your decision-making process:

- Just because we can do something, doesn’t mean we should do something. Some things in life, once altered even with good intent, can never revert back to their previous state. Beautiful Deschutes County/Central Oregon are at the tipping point now.

- Although the meeting, and input to the meeting, were about “land use,” I believe it is really a 360 approach that needs to drive your strategy and tactics.

- There were comments made about the “open secret” that medical marijuana producers “are the problem,” and the black market is thriving in Bend and beyond. There are open-source reports from various law enforcement and research agencies that discuss the marijuana-related issues of human trafficking, theft, violence, degradation of safety and security, increased transient populations and other unintended consequences and unfunded budget impacts of “legalizing” an activity that is otherwise illegal at the Federal level.

- It has been verified that Oregon production far exceeds personal use, medicinal or recreation, based upon the population of Oregon. Additionally, the retail price has fallen dramatically thus providing financial incentive to pursue the black market. The production of all marijuana is a for-profit endeavor.
Bend Bulletin – excerpts

On August 29, 2018 the Bend Bulletin published, “6 arrests in pot trafficking case.” The article described two vast interstate operations that delivered marijuana to Texas, Virginia, and Florida. Proceeds from the black market sales returned to Oregon as cash stuffed in airplane luggage or through the U.S. mail, said U.S. Attorney for Oregon Billy Williams.

“These cases provide clear evidence of what I have repeatedly raised concerns over: Oregon’s marijuana industry is attracting organized criminal networks looking to capitalize on the state’s relaxed regulatory environment,” Williams said in a statement.

Williams has repeatedly called on Oregon regulators to tighten their monitoring of the marijuana industry to limit diversion out-of-state.

Oregon’s adult-use market has struggled for months with too much marijuana, an outcome fueled by state regulations that didn’t limit the number of growers and allowed each grower to have multiple licenses.

As of June, there were nearly 1 million pounds of “usable flower” in the system, and an additional 350,000 pounds of marijuana extracts, edibles and tinctures.

Entrepreneurs, Rural lifestyles, and Bend Cultural Identity

At the 8-28-18 meeting, a marijuana attorney described the excitement of the “new” marijuana industry in Bend, which she proclaimed is just like the Silicon Valley tech boom for start-up entrepreneurs. My understanding of her message was that it is here to stay and no one can, or should, do anything about it.

I worked in Silicon Valley, CA from 1989 to 2014, and witnessed the busts, boom and negative quality of life impact they had on the region. Legislators, city managers, mayors, police, fire and other entities are currently grappling with multiple significant issues related to unanticipated and unintended consequences of unfettered entrepreneurship that have occurred in the past 10 years there. The scale is different but I think the analogy is worth considering:

- The area had accessible infrastructure and user-friendly downtown areas and affordable homes. It was a “nice” place to live. Police, fire, public works, and other services were generally in parity with the business demands. Now, people are fleeing the region, due to outrageous traffic congestion, loss of quality of life, negative perception of safety and security, and home prices over $2,500 per square foot.
- It is now a situation of the haves and have-nots. Many of the dot-com entrepreneurs made hundreds of millions, others went bankrupt and left the wreckage behind for others to clean-up after they left their failed businesses.
- High tech brought dual-advanced degree households with young employees easily making six figure incomes.
- High tech companies funded new buildings for the cities, funded new fire engines and patrol cars, and funded new staff either through increased taxes or contractually.
- Marijuana industry has not offered to fund any buildings, equipment or employees I am aware of.
Marijuana industry by contrast pays the majority of their employees minimum wage. The investors and owners make the majority of the money.

Marijuana industry is not building beautiful structures or grounds for public enjoyment which is the case in the wine industry, for example.

The marijuana industry does not “feel right” for this area.

My point is, the legislators and persons currently in positions of political and administrative power in Deschutes County have the responsibility, authority and opportunity to make these decisions for our future now. After you leave office, someone will have to live with the decisions we make now.

- Do we want to retain a “rural and bucolic” lifestyle in Bend?
- Can we effectively balance new industries with our current cultural heritage?
- Do we need to preserve it because it inherently has value in green pastures, environmental preservation and stewardship of our natural resources?

Marijuana is a for-profit business and it is not being done to enhance our natural beauty here; that is not one of its by-products or mission.

The marijuana business people, like the Silicon Valley analogy, want to be on the “bleeding-edge” of the wave to make the early money. This is a risky position for them, but one they freely have chosen. It is risky for many reasons including the fact that is still illegal on the federal level.

- If the Deschutes County proposed regulations are, as stated by the marijuana proponents, “insane,” “onerous,” and “unfair,” they are free to operate their business in any of the other states, counties, locations that they deem compatible to their business model. That is the fundamental fact of liberty and capitalism we embrace in the U.S.
- You are not under any obligation to make their business model work.
- As they stated in the meeting, they believe you “have failed leadership,” “don’t listen to them for their input,” and are bowing to the pressure of the “extreme and vocal minority.” This is a myopic view and felt like a personal attack on me for having an opposing view, and also you, for taking the time to carefully follow the process that they in fact set up, guided, and had plenty of input from start to present.
- The Commissioners and Planning should ask themselves:
  - Why is it so critical that marijuana be grown here?
  - Cheap land?
  - Cheap water?
  - Low level of government infrastructure and oversight?
    - Law enforcement, OLCC, Inspectors, Planners
  - Container farming can be done anywhere

Conclusion

I wish to thank the Commissioners and DC staff for listening to our concerns and producing a set of recommendations that capture most if not all of the concerns the rural residents have raised. I can be reached for further input upon request. jbouziane@me.com
Dear Chair DeBone, Commissioner Baney and Commissioner Henderson,

Please consider the following comments on the proposed amendments to the Deschutes County Code you are considering for adoption which would further restrict production and processing of marijuana in the County. We urge you to carefully consider all comments before deciding to enact an ordinance that will increase the costs of the industry and potentially result in the very result that the Commissioners wish to prevent – proliferation of the black market.

Many members of the public presented evidence that there is no demonstrated need for more restrictive regulations of this agricultural use. The marijuana regulations adopted by the County in 2016, set forth in the supplementary provisions of the zoning code have not been established as “too lax,” and have not resulted in actionable proceedings by the County against any of the existing marijuana grow or retail establishments in the two years the laws have been on the books. The Commissioners answer to all voters in the County – not just those persons that are opposed to marijuana in principal. We ask that you consider not only the voices of the opponents, but the vast evidence in the record before you that demonstrates responsible operation of cannabis farms and facilities, and that recognizes the substantial tax revenues the industry brings into the County.

Recreational marijuana was overwhelmingly approved by the voters of the State of Oregon. The new laws considered for adoption by the County would undermine the will of the people, expressed at the ballot box. More importantly, the new laws contain an implicit prejudice against marijuana producers and retailers, casting them in an unfavorable light that is neither supportable nor constitutional.
Two aspects of the proposed new regulations are of particular concern. First, the proposal to remove marijuana production from Right to Farm protections is simply not supported by any findings. The Commissioners have not heard any evidence to justify treating one type of farmer differently than another, simply by the type of crop they decide to grow on property that has been designated for agricultural use. This type of discriminatory regulation is prohibited by the equal protection clause of the constitution, and should not survive a challenge on such basis. The fact that some people are concerned about the “odor” of marijuana plants does not pass constitutional muster, considering that most, if not all, farming operations result in odor emissions. It is for this very reason that the County has decided where to zone lands as exclusive farm use, and to require any new development near or adjacent to farms to acknowledge and waive the right to complain about agricultural operations occurring on properly zoned lands.

Second, and perhaps of greater concern, is the proposal to subject marijuana producers and processors to random inspections. This turns the notion of “innocent until proven guilty” on its head. The County is in effect presuming that these land owners will violate the law, based only on the type of crop they are growing and processing. The County’s code enforcement division does not have authority to investigate potential code violations absent a report from a citizen. Even then, the code enforcement officers must have probable cause to begin investigatory proceedings; a notice of violation is not issued unless and until the officer finds evidence that would support a potential finding of code violation. Marijuana producers and processors would not enjoy the same rights that others in the County enjoy if the new laws are adopted by you.

Fourth Amendment privacy rights come into play here, as well as violation of equal protection rights by the County’s potential decision to treat one class of farmers differently than all others. The presumption that these citizens are any less interested in owning and operating their property in a legal manner again is not supported by any findings.
The proposed changes to setbacks, the setback exception and MUA zones also have concerning aspects. Further limitations on compatible properties decreases opportunities for local farmers to create niche and value added farm products; the Deschutes County Comprehensive Plan specifically calls for Deschutes County to preserve farmland and protect both current and future agricultural opportunities.

We urge that you make a considered, and not reactionary decision based on the facts before you. Fear, misunderstanding and unwarranted presumptions do not make for good law. The County has two years of evidence of quiet and deliberate compliance with the marijuana regulations that have been in place. Please reject the invitation to single out cannabis business owners and treat them in a different and unwarranted way than other farmers and business owners.

Thank you for your consideration of these comments. Please do not hesitate to contact us with any questions.

Sincerely,

Lindsey Pate
Celebrate Cannabis President
Jack Robson
Founding Board Member
Gary Bracelin
Founding Board Member
Judy Campbell
Founding Board Member

Jennifer Clifton
Founding Board Member
Hunter Neubauer
Founding Board Member
Laura Breit
Founding Board Member and Board Member
Ellen Parkin
Board Member
I encourage you to adopt the proposed amendments to the Deschutes County regulations governing marijuana production, especially the removal from MUA-10 zoned property. At the very least strict limits to size and growth should be instituted as much of this zone is comprised of small acreage residential neighborhoods.

For 26 years I have lived in Lake Park Estates, a single family home owners association of approximately 190 two-five acre parcels located in north east Redmond. For the past 3 years I have sought to educate myself about Central Oregon marijuana production as my quality of life has been increasingly impacted by the presence of a commercial medical marijuana growing operation located on adjacent property at 4288 NE 29th St. which continues to this day. Grandfathered in with one greenhouse in 2016, the site now has 2 greenhouses and a pending application for a recreational grow shop of 1000 square feet with plans to the 2500 square foot maximum allowed by OLCC. Since 2016, 6 applications have been submitted to Deschutes County, all believed to be tied to the establishment and expansion of this operation on a 5.22 acre lot. Having 3 separate entities (OHA, OLCC & Deschutes County) with 3 different sets of rules, regulations and protocols has made gaining an understanding highly challenging. Communication between these entities as well as water and electric authorities has been extremely poor in my opinion.

WATER - According to Sam VanLanihan, Assistant Water Master for the Deschutes Basin (541 306-6885 Ext 104), the ground water static water level decline in our area has averaged approximately 1 foot per year historically. At my 300 foot deep domestic well site the static water level has declined 61 feet in 26 years (well over 2 feet per year). My well went dry July 23, 2018 which to date has cost me $8000.00 to deepen with more costs forthcoming. Possible impacts to this rapid decline may include the presence of the marijuana growing operation next door as well as the establishment of a huge industrial well and water storage tank off NE 9th Street just south of our home owners association.

REVISION: Total cost of new well drilling to date (8-31-18) has reached $18,000.00
MARIJUANA

A.) MEDICAL - The Oregon Health Authority administers all activities (855 244-9580). No written rules and regulations governing such are available. Recently 8 Senate bills and 4 House bills have been enacted which adopt or change existing rules in Oregon. HIPA laws restrict sharing of any information specific to particular medical marijuana activities, even with law enforcement on a 5 acre property in the MUA-10 zoned area such as the one next door to me. A grower can have up to 8 carded customers, grow 6 mature plants each (48 total) plus 96 immature plants over 24 inches tall plus an unlimited number of immature plants less than 24 inches tall. Reports indicate 791-984 permits issued in Deschutes County and 20,000 in Oregon.

My neighbors aspirations were a pound of trimmed bud per plant. OHA claims to have inspected medical grows in my neighborhood and found no compliance issues with their regulations, which are woefully inadequate. OHA by their own admission are relying on local jurisdictions to establish and enforce regulations on water, odor, lighting, etc. Please do so.

B.) RECREATIONAL - A few OLCC regulations are: No hoop or greenhouses for growing. Hard structures are limited to 2,500 square feet in size. Only one permit is allowed per property. Matt at OHA claims OLCC is responsible for the discontinuance of a medical permit if a recreational permit is issued to the same grower/property. No private residence well water is to be used for growing.

C.) Deschutes County Community Development (541 388-6575) As you know administers marijuana production in our County with it’s own ever-changing rules and regulations which were initially adopted in June of 2016. Growing structures established prior to that date have been "grandfathered" into existence today. John Griley (541 480-6183) or (541 617-4708) is one of two Code Enforcement Technicians assigned to check into compliance issues such as noise, odor, lighting, disposal, structure expansion, etc. I arranged
for him to visit my property on July 26, 2018 to observe the adjacent property grow activity from my land. After hearing of the verbal assault and aggressive demeanor directed at me by my neighbor which occurred earlier in the season, he was uncomfortable walking out with me to my property line for fear of confrontation. The Deschutes County Sheriffs Office has been informed of some of the medical grow addresses in our area in the event of future trouble.

It appears as though a Code Violation has been issued to this property (4288 NE 29th St.), but I don't know what for or what County actions may be forthcoming, if any. Despite having filed a written questionnaire with the County Community Development on March 17, 2018, filing complaints with OHA and Deschutes County Community Development on July 20 and July 23, 2018 and August 25, 2018. I have heard nothing about actions taken.

Thank you for your time and diligence in establishing reasonable standards with which a peaceful and quality living standard can be had by all in Deschutes County.

Sincerely yours,

Charles E. Cook
8/31/18

Charles E. Cook, Jr.
541 441-0101
To the Deschutes County Commissioners and whom it may concern,
My letter today is to request that Deschutes County cease and desist any further efforts to intentionally thwart the existing cannabis (aka marijuana) cultivation, manufacturing, or retail markets. All of the proposed amendments appear to be cost prohibitive and onerous for any crop, let alone one that is experiencing such challenges as the current cannabis market. Cannabis is a crop. To remove it from the Right To Farm ordinance is absurd, and clearly shows a different agenda than that of the will of the people, or of state definition as stated by The Farm Bureau. None of these new rules apply to any other farm types or crops including hog and cattle farms, hop or vineyards, hazelnut or alfalfa crops etc. Each of the aforementioned examples have more significant impact on smell, noise, and/or water use than cannabis, and if they are not included in similar regulation and definition changes, this will open the county up to future litigation for which we do not wish to pay. The state has set forth very reasonable guidelines that every county that has opted in for cannabis and measure 91 abide by without issue. It is therefore clear that this effort is put forth by an agenda outside the best interest of the people, but rather is for a small number that reside in the effected areas that have issue with the legalization of cannabis. These are not reasonable or needed changes, and the decrease in land under this proposal that will be available for cannabis farming is over 75%. That is unreasonable at least, and industry destroying at worst. These farms have been in operation in our county for nearly 3 years now (medical cannabis grows have been here for decades now) with little to no negative impact on the public at large. In fact, they have increased jobs (Oregon now has over 19,000 employees in the cannabis industry and does not account for ancillary job creation), taxes in the form of cannabis tax that benefits state, city, and county coffers, police, schools, drug treatment and additional taxes in the form of income taxes that are very significant in the cannabis industry. Land owners express concern for property values however, farm land has continued to increase in states with legal cannabis, including Oregon and Deschutes County. Further, great expense has been made by companies investing in this industry and in this county on many of the small farms that would be cut by these proposals which is very unAmerican, and not the Oregon I have grown up in and love.

The county commissioners were given a warming when they drafted the original version of these divisive ordinances by the state yet you continue to push forward with additional prohibitive and arguably unconstitutional ideas. Now, they are warning you again, and we are too. As an Oregon native and long time resident, business and home owner in Deschutes County, I implore you to discontinue these efforts immediately and follow the lead of the state, and other reasonable counties and allow cannabis farming to continue as outlined by the state and current local law.

Sincerely,

Dan Cochrane
Cochrane Appraisals LLC.
State Certified Residential Appraiser
FHA and VA Approved Appraiser
AGA- Earth Advantage Accredited Green Appraiser
Bend, OR
My name is Suezan Hill-Cook. I live at 2975 NE Yucca Ave., Redmond, OR (corner of Yucca Ave. & 29th St.) in the Lake Park Estates Subdivision a single-family development of 5 acre parcels. It is zoned MUA-10. The original intention of the developers was to offer home owners land with space for horses or goats, maybe a cow or chickens, orchard, vegetable garden and open space for those who choose not to live in town. NOT AGRICULTURAL COMMERCIAL FARM USE.

My husband moved to this home 26 years ago with 2 small sons and has worked tirelessly moving rocks, making raised beds for flowers and veges creating a beautiful sanctuary. That was until 2016 when the property behind us was purchased by commercial medical marijuana growers. They constructed one GIANT greenhouse then another (which we are not sure was approved under their original licensing/permit?). This brings in large trucks delivering soils and other accoutrements, 18 wheelers delivering supplies, heavy equipment, noisy fans and bright lights, itinerant workers camped out, increasing traffic on our dirt roads causing dust and more noise, etc.
I won't labor on.

We spent the better part of August 2018 dealing with a dry well. The first question asked by the well drilling team as they looked across our fence line at the green tropical forest of marijuana plants "how much water are THEY using?" GOOD QUESTION! Nobody seems to know. They do all their watering with well water.

QUESTION? Where REALLY is all this massive amount of "weed" actually going? Across state lines? black market?

Having recently relocated from living many years in Josephine County to Deschutes County I can say thru personal experience with 100% confidence the majority of medical marijuana growers are mostly "posers". Black market and out of state transfer of marijuana is rampant in Josephine County and Jackson County. Deschutes County is no different.
MY FEAR - Our neighbor commercial medical marijuana grower located at 4288 NE 29th St., Redmond, OR is supposedly "grandfathered" for medical marijuana. He has/is applying for a building permit (expansion?) and license to grow recreational. Seems his operation continues to grow larger.

QUESTION - As a "grandfathered" medical grow will he be allowed to also grow recreation? Resulting in unlimited "weed" allowed which results in using more water, noise, odor, traffic, itinerant workers, etc? Who can guarantee he will use well water?

At present ne grows indoors and outdoors. All summer greenhouse doors remained wide open. fans are loud. Last summer a worker shot my 12 year old dog in the ear with a bb gun as we walked on our daily walk around our fenced perimeter of land.

We recently filed a complaint with the Deschutes County Community Development.

Thank you

Suzan Hill-Cook
541 660-0049
Testimony in addition to the oral testimony submitted by Al Fols at the Deschutes County Commissioner’s Hearing held on August 28, 2018

Topic: Legislative text amendment to Deschutes County Code (DCC), Title 9, Public Peace and Welfare, Title 18, County Zoning, and Title 22, Development Procedures

After listening to the concerned public, marijuana producers, County Commissioners, and representation from the Bureau of Land Management (BLM), Bend Parks and Recreation, Oregon Department of Water Resources, and two local electric power supply companies; I have some pertinent testimony to add.

- The text would change Separation Distances definition from “Public Land” to Federal Lands. While Separation Distances should exist for Federal Land, I agree with Bend Parks and Recreation that the same Separation Distance should exist for their properties. The same should apply to all State, County, and City Parks. Federal, State, County, and City offices should also be included with the same Separation Distances.
- I agree the boundary of any local jurisdiction that has opted out of Oregon’s recreational marijuana program; and any other lot or parcel approved by Deschutes County for marijuana production should also require the same Separation Distances.
- The apparent reason for the Separation Distance text addition: “ix. Any other lot or parcel approved by Deschutes County for marijuana production” is an effort to minimize production site density; I agree with the text. But the text should not discriminate between “Any other lot or parcel approved by Deschutes County” and existing unidentified production sites (i.e. unidentified medical production sites). Wording of text should include language that requires identifying existing production sites within the Separation Distance and the Separation Distance should be enforced. The individual addresses within the Separation Distance would be submitted to the appropriate State agency for identification.
- With the additional number of locations requiring application of Separation Distances, including existing production sites, it would be onerous to increase the separation distance to 2,640 feet. The current distance of 1,000 feet would be adequate.
- I agree that the applicant should obtain written consent to utilize an easement or private road for marijuana production access from all owners who have access rights to the private road or easement when the marijuana production site takes access via a private road or easement which serves other properties. Many times these roads have become “public” roads when they are within subdivisions. These “public” roads are constructed and maintained with private funds (Homeowner’s funds) and should have the same restrictions as private roads.
- Clarification of Federal Law offered by a Bureau of Land Management representative at the hearing highlighted the severity of marijuana production penalties. The text changes should include language requiring applicant’s sworn testimony that they are not/will not subject Deschutes County to liability by using Federal funds to purchase production sites or operation of the site.
- I agree marijuana should be prohibited on MUA-10 zoned properties.
- I agree The Deschutes County Right To Farm Ordinance does not apply to marijuana production operations.

Al Fols
Deschutes County, Oregon
For the record.

Nick Lelack, AICP
Deschutes County
Community Development Director
541-639-5585

Sent from my iPhone

Begin forwarded message:

From: Nunzie <nunzie@pacifier.com>
Date: August 28, 2018 at 5:00:18 PM PDT
To: Nick Lelack <Nick.Lelack@deschutes.org>
Subject: public input to County mj code language

Please consider the following input to Deschutes County's mj code language.

18.116.330 Marijuana Production, Processing, and Retailing
  B. 1 Minimum lot Area
  a. change five (5) acres to 40 acres; the reason 5 acres was chosen was because MUA zone was previously included. The
     5 acre standard no longer applies in the EFU zone; as citizens in the MAC requested: 40 acres be the minimum size for
     EFU. I again make this suggestion: in EFU minimum 40 acres.
  B. 2. a. Strike greenhouses, hoop houses and similar structures because no building permit is required for such a so if the
     objective is to produce or process in a building, then these 3 structures do not qualify as buildings. In the EFU zone,
     marijuana production and processing shall only be located in
     buildings, including greenhouses, hoop houses, and similar structures.
  B. 3. The five acres needs to be removed.
  B. 5. Setbacks should be measured from the property line (it is clear that the county has no resources to measure or survey
     buildings or processing locations within a taxlot and therefore it is much more uniform to measure setbaks from the property
     line.
  B. 5. a. This distance should be 1000 feet from the property line
  B.5.b. Setback from adjacent dwelling should be 5000 feet.
  B.5.v. please add Bend metropolitan Park and Recreation District land and also Redmond Area Park and Recreation District land
  B.6.vi please add State Lands to Federal Lands
  B 6. ix. please add at end and/or marijuana processing
  B 7. please add d. to require that the easement be recorded against all benefited or eased properties
  B 9.b.1. The mechanical engineer's qualifications and experience with the specific system design and operational audits of the
  specific effective odor control and mitigation systems:
Because no building permit is needed for a greenhouse, a hoop house or similar structure, I suggest that these be excluded
from the definition in item a.

11c. Please add: No Razor wire shall be allowed in the Wildlife Area Combining Zone. Fencing in the Wildlife Area Combing
Zone shall meet ODFW approval.

12 Comment: annualized water does not indicate the season of water use. I suggest that a chart showing monthly water
use be used such that it can be synchronized to the discussion in item 12 a "proper classification of water .. during the
season of use"

12b. The source water provider shall provide a Will Serve statement identifying the water right certificate number to be
utilitized and a Will Haul provider shall identify the water right certificate number for any water hauled for the subject land
use together with vehicle trips per month

12 c this language needs tightening up... imagine if every producer just identified they would roof harvest water to get a
permit, then when they tie into a well, how would the county regulate ? We are in the high desert, not in the valley...
12. Please delete on-site commercial wells and replace with the well that is proposed to be used (including on site or off site).
13. Please add: on properties zoned industrial.
18.1. Please add to Prohibited: campers and RV's used as dwellings on EFU.
19. Compliance: The County needs to be able to implement its code and not merely bat compliance to private action. Please beef up the language in 19 a and 19 b so that the County's code enforcement can make appropriate actions to cause a bad apple to comply with odor control plan and noise control plan. Perhaps a revocation of permit or other?

Mj Retailing
Notice in item 6 the additions made for distance separations and types of land:
I suggest under mj retailing that these also have a distance separation from mj retailing:
- Distance from Federal land to be 5000 feet
- Distance from County land to be 5000 feet
- Distance from Bend Metropolitan Parks and Recreation land to be 5000 feet
- Distance from Redmond Area Park and Recreation District land to be 5000 feet
7. Please add that all easements shall be recorded against the eased and benefited property.

18.116.330. Marijuana Production, Processing, and Retailing
A. Applicability. Section 18.116.330 applies to:
1. Marijuana Production in the EFU, MUA-10, and RI zones.


In 18.116.330. Marijuana Production, Processing, and Retailing Separation Distance
Item B 6 a.
"the applicant property line” ... supposing the applicant is not the property owner?
Please tighten the language to refer to the property line of the property under application.
Item B 6 a. vi. in addition to Federal Lands please add lands owned by Deschutes County, Bend Metro Park and Recreation District, and Redmond Area Park and Recreation District.
B 6. a. iii please strike the last sentence "This does not include licensed or unlicensed child care which occurs at or in residential structures" Comment: certainly children who attend licensed child care in residential structures should be protected from mj.

Thank you,
Nunzie Gould, Rural County resident and property owner in Deschutes County.
I would like to be on the record as SUPPORTING the proposed changes to marijuana regulations, making the regulations tighter and limiting the placement and amount of land that can be devoted to growing pot. I made a statement to that effect at the public hearing, but wanted to make sure it was entered into the record.

Thank you,

Abby Kellner-Rode
25360 Walker Rd.
Bend, OR 97701

Sent from my iPad
Dear Chair DeBone, Commissioner Baney and Commissioner Henderson,

Thank you for keeping the written record open in order to provide a follow up from the hearing on August 28th, 2018 for the proposed text amendments that will ultimately impact cannabis businesses in unincorporated Deschutes County. Please see the attachment and let me know if you have any issues viewing it. I have CCed the Celebrate Cannabis Board members on this email as we have all signed the testimony.

Tanya, thanks for your work as well!

Sincerely,

Lindsey Pate
President, Celebrate Cannabis
CEO, Glass House Grown
http://celebrate-cannabis.org/
www.GlassHouseGrown.com
Lindsey@glasshousegrown.com
Board of County Commissioners and Tanya Saltzman:

We attended the public hearing on August 28, 2018 regarding marijuana regulations (Ordinance 2018-012) and made a public statement at that time, but we would like to emphasize two points that are of particular concern to us.

The proposed increase in setbacks would decrease the density and negative impacts of grow sites in any one area, but it is extremely important they be measured from property lines. Some people believe that having setbacks measured from buildings is adequate, but we strongly disagree. In this scenario, any single parcel could be surrounded on all sides by marijuana grow sites. This is unfair. It would drastically reduce the property value of even a spectacular home and has the potential to produce disturbances from all directions.

Secondly, we continue to worry about a shortage of water. Kyle Gorman or the Oregon Water Resources Department stated that Jeremy Giffin, Watermaster District 11, had checked the water use of 5 marijuana grow sites in Tumalo and found that it was minimal. A grow site near my home has legally acquired water rights from a totally different area. There are currently additional greenhouses that are partially constructed on the property. Although the use determined by Mr. Giffin may seem low now, the amount used can be far higher at other times or if production increases.

There are numerous unknowns about the future of water resources in our county. In The Bulletin on Friday, September 7th, there was a front-page article “Water Woes at Wickiup”. It stated that the reservoir is approximately 7% full, and that Ochoco Reservoir is 20% full. An article (attached) in the Capital Press published September 7th is titled, “Oregon’s Extreme Drought Triples in Size”. A number of wells have gone dry. The piping of canals will change the way that the aquifer is recharged. Limited snowpack, climate change, and a rapidly growing population will also affect water availability. Because of these factors, I think that there should be a moratorium on any new transfers of water rights from distant sources. Why rush to promote a water-thirsty industry before more is learned about one of our most precious resources?

We urge the Board to reach a decision on all the proposals in consideration before the current board is dissolved. All the work and effort put forth by you commissioners, involved agencies, the Sheriff’s department and the public will be wasted if you do not act now.

Sincerely,

Gretchen and Robert Pederson

Deschutes County residents
Dear Mrs Saltzman, dear Commissioners,

Below, please find my input re. the proposed Marijuana Regulations:

**Distance from grow to BLM, public lands, neighbors**
Please at least make the distance half a mile, better a mile, from any BLM land, if possible from the next house/family. Why?
- interference with wildlife - because of the fences and security wildlife cannot cross, gets disrupted from food and breeding/living grounds
- odor - it stinks to high heaven, 12 months a year, carbon and other filters, do you want to live next to a hog farm or feed lot, why not?
- water - wells are running dry, growers pull water from domestic wells, 5 acres water rights means spray on 5 acres not just into a greenhouse
- waste water - toxic waste water cannot just be allowed to sicker into our groundwater, full of very toxic pesticides, herbicides, residues
- electric - power outages are increasing around grows because of their huge power consumption
- property values - noone wants to live next to these, esp not families with young children who are the majority of buyers of rural properties
- undesirable people in the area - pickers are paid in cash, no experience needed, no background check, perfect jobs for felons
- increased traffic - problems with parking, accidents

**Odor**
Make the growers prove that the odor system works, before approving any application, do not just take their word for it. It should be the right of any neighbor to not smell skunk for the rest of their lives just because a grower "thought" it might work.

**Water**
If a grower wants to use a well, make a regulation that it has to have a meter and the meter has to be read every month. Also, inspect every well before approval of any application. Make sure it is an irrigation well, not a domestic well. These grows pull insane amounts of water and it is unfair to the neighbors to have to dig new wells for many thousands of dollars because of a grow.

If a grower wants to use irrigation, make sure they understand 5 acres of water rights means irrigate 5 acres, not irrigate on greenhouse on 1/4 acre.

If a grower buys mitigated water rights, make them understand that does not mean they can just pull water willi nilly. It still needs to go through an application process with Salem which takes a year and will most likely be denied.
Electric
Oregon law states that every electrical system needs to be inspected. Order those inspections for all grows. Water and electricity do not mix. Have the electric company serving the grow sign off on it before operation to ensure it can take the load.

Traffic
Have the traffic officials sign off on the application to ensure it is safe before any approval.

ELECTION
Have the population vote again to stop any more grows in Deschutes County. We have suffered enough.

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Tax revenue
Oregon LOOSES MONEY because of Recreational Marijuana. The new tax revenue is less than the cost this issue generates, such as 2 out of 3 grows in Deschutes County do not have a license to sell, an OLCC license. Who do they sell to? The black market. Do they pay taxes? No. Do they sell out of the state? Why not, they do not even obey the clearly stated law and noone punishes them, why should they follow any other law or regulation. Will they sell out of state which is against the law? Why not, noone controls their sales.

Law Enforcement
The need to enforce regulations and laws will only increase, with the wholesale price is plummeting, the market being saturated in Oregon. The cartels are moving in. Do they obey the law?

Our youth is getting sick and unproductive
High School and College kids are using this drug more and more. With all the Marketing and available supply and de-criminalization of this drug they think it is "normal" and "ok". Coaches and teachers and the entire College system are getting concerned and start to take action. Do we need more emotional and mental disease amongst out young? What does that translate to in terms of lost productivity in the workforce?

Medical cost
Hyperemesis and Psychosis from ingesting this drug is becoming a common occurrence in the Emergency room. Who pays for this?

Regulation Cost
The Commissioners spend a lot of their time and resources on this issue. Why, if the market is saturated and there are all these issues

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Look to other states who have experience with this problem. They are not happy. Stop these problems before they becomes worse.

In advance, thank you for your consideration.

Susanne and family, Deschutes County Residents
Greetings Mrs. Tanya Saltzman,

Thank you for giving me an opportunity to provide feedback on the recently proposed amendments to the Deschutes County Code that were discussed during eight work sessions starting on Aug 2, 2018. The proposed changes to the code will make programmatic changes to the regulation and enforcement of marijuana production on rural lands. I am concerned about the proposed text amendments because they will impact the workability for farmers in Deschutes County and continue to set the precedence that farming rights and farmland will not be preserved. The proposed text amendments are not reasonable additions to the code and should not be adopted.

The cannabis community is working diligently to work with the county and state to help create reasonable and realistic laws. It is counterproductive to integrate unnecessary regulations. Cannabis is an agriculture product. It is a plant, a plant that heals and creates. It creates jobs, time, money, happiness and more. As a community in Deschutes County, we can no longer afford to keep spending tax dollars to appease the opposer. Productivity is what is needed most. The community needs to work together to find common ground. There are at least a thousand jobs in Deschutes County alone that have been provided by the cannabis purveyors. The careers created, directly affect the community because they are here in our county supporting our local community. By integrating an extension of the current regulations, we create a new bottom line to the startup cost. Increasing those startup costs make it more difficult for local, law-abiding citizens to be able to enter into the legal cannabis market. The increase in cost will ultimately result in larger corporations, i.e. big pharma, to come in from out of state and incentivize them to take away financials affairs from the local community. Oregon is a state that thrives on its local economy. In order to keep it local, with smaller farms, we must steer away from those types that will only stand to hurt our local community. Large corporations only care about their bottom dollar. With that being said, they would not care about the land the same way as our local community has. This is our home and we don't want it to be destroyed by big corporations coming in and creating erosion/corrosion on our land and taking the funds generated out of state. When we try to stop an industrialist product that is creating finances for local events, road work, school systems, police force, jobs it will inevitably hurt the community.

I would like to address directly the proposed code for addition separation from 1,000ft to 2,640ft. It is almost as if someone went on Google Earth and created a measured distance that would make it nearly impossible for someone to be able to find a property to abide by that regulation. This proposed change is not even close to the liquor store, paper mill, brewery, cattle farms, dairy farm, or pig farm's criteria. All of those listed can, at times, definitely smell worse than any cannabis farm ever could. By considering these proposed set back you open a new door to a conversation about other types of farms, such as cow, dairy, & corn farms. We don't have the same requirements for even hop farm's which create one of the most dangerous drugs to date, killing around 88,000 people a year. Cannabis is misunderstood. By creating unrealistic regulations you only encourage the potential generated revenue to be absorbed out of state by either Big Corps/Pharma or the Black Market.

Now let's talk about the proposed Odor Amendments. I will only support this if we can require it for Dairy, Poultry, Cattle, Hop, Soy, and every other farm that is in existence that smells rancid. Farms create odor, there's no way around it. The most that can be done is a reduction, but it will never be fully neutralized. Most, if not all, of these proposed amendments, are going to create issues within the farming industry. Cannabis deserves to be slightly more regulated but it does not deserve to be so heavily regulated that it
pushes farmers into the black market, out of business or to Big Money Corps. **We need to work together to flourish together, not against.**

Cannabis business owners have only proved themselves to be vital & remunerative to the state and local community. Since 2016, **Bend alone has generated over $800,000 in state and local tax from cannabis sales.** This money was generated from local, law-abiding cannabis purveyors. When you push them out, you send their money with them. **Adopting these proposed regulations could be detrimental to our community and state. With that being said, I strongly oppose many of the regulations proposed.**

Again, I want to thank you for considering my comments and look forward to finding workable regulations for our farmland.

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Kindly,

Eleanor A. Sauerborn

*Owner*
Happy Harvesting Co.
Phone: (541)408-1037

[www.instagram.com/HappyHarvestingCo/](http://www.instagram.com/HappyHarvestingCo/)
[www.facebook.com/HappyHarvestingCo/](http://www.facebook.com/HappyHarvestingCo/)
Hello, I’m writing to provide input on the subject regulations. I understand and agree with the idea that using land that has good soil for a greenhouse crop is not the best use of the land. However I don’t understand why we plan to restrict the industry from operating near public lands. I also find it funny that people complain about the odor but have no problem with the odor for horses, cows and feed lots. I was also shocked to see the regulations would result in a 75% decrease. I’m afraid what’s happening is that a few loud voices are being heard on the one side and only the industry seems to be objecting which doesn’t carry much weight. So please take this as one vote from a country resident to not overreact in modifying the regulations.

Thank you
Randall Schneider
6 Dixie Mt. Lane
Sunriver, OR
Dear Deschutes County government officials:

I object to the proposed rules regarding "marijuana" growing. I believe the term itself is racist and it should be called cannabis in all regulations, either high THC cannabis or Low Thc cannabis / hemp.

Marijuana has been designated a farm crop by the Oregon legislature. When it is grown in a farm zone, it should not be more heavily regulated than other farm crops. Throughout the County’s discussion of the draft text amendments, we are troubled by the County’s failure to recognize that its exclusive farm use zone has been designed for agricultural use, with the associated noise, odor, lights, irrigation, and other activities associated with a farm use. Instead, the County seems to want to treat its farm zone akin to a rural residential or mixed agriculture zone due to the smaller parcel size of farm parcels in many parts of the County. This approach violates Goal 3, which requires the preservation and maintenance of agricultural lands for farm use, consistent with existing and future needs for agricultural products. See OAR 660-015-0000. If the County believes its exclusive farm use zone is no longer suitable for farm use, it should begin the process for rezoning the land, not adopt unreasonable restrictions on a farm use some dislike.

While we are troubled by the entirety of the text amendments being considered by the County, we want to call the following specific issues to your attention:

1. Right to Farm (Chapter 9.12.020)
   Deschutes County may not change its Right to Farm ordinance in a manner that is inconsistent with Oregon law. Oregon’s Right to Farm law, ORS 30.936, provides that “no farming or forest practice on lands zoned for farm or forest use shall give rise to any private right of action or claim for relief based on nuisance or trespass.” ORS 475B.526 expressly provides that marijuana is a crop as defined under Oregon’s Right to Farm Law, ORS 30.930. Through its amendment to Chapter 9.12.020, Deschutes County seeks to remove marijuana from the prohibition on nuisance and trespass lawsuits.
   The legislature did not grant any exemptions to ORS 30.936, the nuisance and trespass shield, when authorized the limited carve out to ORS 30.935 for local regulation. Instead, the legislature expressly provided that marijuana, as a legal crop, is protected for purposes of nuisance and trespass lawsuits. Deschutes County may not alter state law through a text amendment, and it lacks the authority to adopt a text amendment that is inconsistent with the legislature’s express intent and with Oregon law. We urge you not to adopt the proposed changes to Chapter 9.12.020.

2. Buffer Distances (Chapter 18.116.330(B)(6))
   We urge you not to move forward with the proposed buffer distances proposed between marijuana grow sites, or with federal land, urban reserves, and opt out jurisdictions. Such restrictions, particularly those between grow operations, exceed the scope of reasonable regulation of marijuana and set a dangerous precedent for all of agriculture. It is fundamental in the prohibition on local regulation contained in ORS 30.935 that counties should not dictate where or how farmers farm within their jurisdiction. Farmers compete on a state, national and global market, and burdensome local regulation and reduce competitiveness and market access, create inconsistent regulation between counties, and subject farming to the whims of the
public, who may know little about how to farm. While we understand that some in Deschutes County dislike marijuana as a crop, it has been designated a legal crop nonetheless, and is not subject to unreasonable restrictions under 475B.486 and ORS 475B.928. Providing for a 1/2 mile buffer distance between operations is unreasonable because it limits a farmer’s ability to engage in the full range of farm practices on their operation, which undermines the very purpose of Goal 3 and farmland protection. We urge you to abandon the proposed buffer distances, particularly those between grow operations.

3. Light, Noise, and Odor Regulations (Chapter 18.116.330(B)(8-10, 19))
The County’s proposed light, noise and odor regulations far exceed the scope of reasonable regulations allowed under 475B.486 and ORS 475B.928. First of all, by its plain language, the lighting ordinance applies to all “inside building lighting” regardless of whether the building is being used for marijuana production or not. See Chapter 18.116.330(8). Regulation of crops other than marijuana is not allowed under the limited carve out contained in 475B.486 and ORS 475B.928. As such, this provision violates ORS 30.935 and is illegal. Even were it limited to marijuana, it is still unreasonable. During peak seasons, lighting may be required in greenhouses overnight and a requirement to make the walls opaque could limit natural light during the day and significantly increase energy and production costs.

Similarly, the requirements around noise and odor abatement far exceed the scope of reasonable regulation. Chapter 18.116.330(9-10). It is patently unreasonable to require odor and noise abatement plans and extensive engineering to protect neighbors from a farm crop in a farm zone. In Oregon’s Right to Farm laws, the legislature acknowledged that farming can be loud and occasionally farm uses can carry an odor that may be offensive to residential populations. The purpose of Goal 3 – and Oregon’s land use planning system - is to protect farm lands from regulation associated with urban sensitives. Again, if the County desires to promote a more urban or mixed use of their lands zoned for exclusive farm use, it should consider rezoning those areas it deems not longer valuable for agriculture. Excessive regulation of noise and odor from a farm crop is not reasonable and should not be allowed.

Additionally, we must remind you that the County may not authorize private rights of action, especially those that are expressly prohibited under Oregon law. See Chapter 18.116.330(19). As such, we urge the County to delete the section where it purports to authorize private rights of action for compliance where they are otherwise allowed under state law. Only the state may create new causes of action, not the County. And in this case, whether a cause of action for nuisance or trespass would be allowed is expressly dealt with in Oregon’s Right to Farm law, which the County may not alter.

The County may not independently require a water meter for permitted water uses. Water use is regulated by the Oregon Water Resources Department (“OWRD”), who already has a metering requirement associated with any new water right they issue. While we support the County verifying that the applicant has a legal source of water, we do not believe the County has authority to require metering for production sites with 5,000 square feet of canopy, or any other agricultural operation. The regulation and enforcement of water rights is solely within the discretion of OWRD. Indeed, OFB is supporting additional resources for OWRD in 2019-2021 specifically to deal with the increased workload they are experiencing due to marijuana.

We also have concerns about the County requiring a statement of how water runoff is being addressed. As farm uses in farm zones, any water quality issues associated with marijuana production are regulated under the Oregon Department of Agriculture’s Agricultural Water Quality Management Program (“SB 1010”), which regulates water quality from agricultural activities. If the County has concerns about any marijuana operation, they should call ODA and express their concerns. ODA is the only entity which is permitted to evaluate compliance with SB 1010 and the associated rules and plans, and the County should not be putting itself in the
position of judging the effectiveness of water quality plans. The County lacks the requisite expertise and is not permitted to regulate agricultural water quality under SB 1010.

We have previously written the County expressing our concerns with its assessment of System Development Charges for a farm use in a farm zone. The County’s reply did not alleviate our concerns. Despite the County’s attempt to analogize payment of property taxes to payment of SDCs, property taxes are assessed on all landowners based on their zoning and use of the property. The SDCs in this case were assessed solely on the basis of one type of agricultural production. We continue to believe this violates the state legislature’s prohibition on local governments imposing a tax or fee on the production of marijuana items under ORS 475B.491. We urge the County to reconsider its imposition of these fees on marijuana growers. As such, we also oppose adding payments of SDCs as a prerequisite for land use approvals.

7. Site Plan Review (Chapter 18.124.060)
We have heard significant concerns about implementation of the site plan review process and urge you to abandon this approach. As stated above, marijuana production is a farm use in a farm zone, and utilizes much of the same infrastructure other farming operations utilize, including greenhouse flower and vegetable producers, greenhouse nurseries and other similar operations. The site plan review process is not well suited to an agricultural use, and the factors outlined by the County seem to contemplate a new industrial type business with significant traffic, public access, and new site development. There is no basis in fact for applying these assumptions to any agricultural operation. They do not match the reality of greenhouse agricultural operations, irrespective of crop. We urge you to abandon the site plan requirement.

I believe the county is doing the wrong thing by increasing its regulations on this farm crop in an arbitrary and capricious manner. I own EFU land and will be directly affected. I am also concerned that if the county successfully passes these regulations they will attempt to do similar regulations on Hemp, which may be permanently legalized very shortly via the Farm Bill which currently has a temporary program allowing its registration.

Sincerely,

Daniel Sheridan
Hi Tanya,
I am a resident on Pinehurst Road, one property away from the Oregrown property off Mock Rd in Tumalo. I live on a 10 acre parcel that is divided among two other families. We all use the same well for our daily home use. Even though the 3 different families that live on this 10 acre plot are not related, just good neighbors, we all are conservative water users. All of us use TID water during the flow season to water our small plots. We save our well water for home use - drinking, showering etc. The concern we share is the big and possibly, unregulated, draw of water from our well water source to maintain a marijuana grow operation. We are all aware of the amount of water needed to grow marijuana and in the off season (no TID water supply), what will the marijuana operations be using to create their product? Or if they don’t have rights to TID water, will they will using a aquifer source?

Please take into consideration all of the families that rely on the precious resource of our well water to live year round. We have measured our well levels and will be monitoring them over this concern of unregulated and unprecedented use of aquifer water.

Thank you so much for listening.

Terri Silliman
18945 Pinehurst Rd.
Tumalo
We support the new regulations.  1. It is a industrial crop and should not be in a agricultural area just because there is land.  2. We don't like the criminal aspect of it, fences with barb wire, security and as one of the speakers at the meeting said by having more restrictions you will be turning the growers into criminals. That says a lot! 3. Noise. 4. Traffic. 5. Smell. 6. Water. 7. Electrical issues, look at Lapine. 8. Our rights to livability on our property. 9. The market is saturated with grows. Thank you. Rick and Debbie Simpson,  Alfalfa Market Rd. Bend

Sent from my Verizon, Samsung Galaxy smartphone
To: Tanya.Saltzman, Deschutes County Community Development  
From: Mel & Marsha Stout  
65965 White Rock Loop  
Bend, OR 97703  
541-323-1879

We support the Draft Marijuana Text Amendments and proposed changes to the Deschutes County Code concerning the regulation and enforcement of marijuana production and processing as presented by staff at the August 28th Public Hearing.

We support the Draft Findings and recommendations for approval of changes to the Code for the proposed text amendments at:  
www.deschutes.org/marijuana and approve of and support all changes. We very much appreciate staff and Board efforts to make these changes to help protect public safety and protect our rural property values and livability.

We urge the Board of Commissioners to approve all proposed changes.

Sincerely,
Mel & Marsha Stout
Tanya Saltzman

From: td tammy <shortshuffle@gmail.com>
Sent: Friday, September 14, 2018 4:53 AM
To: Tanya Saltzman; Tammy Baney; Tony DeBone; Phil
Subject: Proposed New Rules And Regulations / Marijuana

Tanya,

I am responding to the proposed rules and regulations. As all the BOCC members (Tammy, Tony and Phil) And many of us rural residents have learned a lot of knowledge since this "Legal Recreational Marijuana" has integrated into our county. I feel we have just begun to see the "REAL" effects of the over abundance of Pot that our County has. Our State is seeing it also. We all know a number of liveability issues Marijuana growing has: Sickening Smell, Constant Loud Noise, Undesireable Strangers in our neighborhoods and around our homes, Home values depleted, high volume of more impaired drivers on our neighboring roads just to mention a few. Our livelyhood resources being depleted- Water, Electricity.

We all have to go by rules and regulations: To legally drive our vehicle: we must have a valid drivers license, current tags, insurance, valid license plates, the car its self has to have working lights, mirrors, nothing in or on the vehicle obstructing the visability to see and in some states an car inspection is required.

So I cant understand why a legal recreational or medical marijuana grower would have a problem with any of the rules mentioned at the meeting, it will only be to their benefit in the long run as it will aleveate the non-legal pot growers from the legal transparent pot growers. To make a better industry.

I commend the BOCC for "sticking to their guns on regulations" as Oregon "free for all" counties are suffering horribly as of right now.

I am requesting the new rules and regulations be implemented and enforced ASAP to make this new industry thrive legally and with transparency. Every other agricultural farming industry has had to strive with hard work in order to survive, this new agricultural industry should not be treated special because they are " different " Rules and regulations should be in place to strengthen the industry and some should lead by example. I am pretty sure the county would rather have ten good marijuana growers than thirty bad ones ? the rules that have been brought to the table are not unreasonable, since these changes to the rules are the issues that have been causes of a number of appeals. I grew up in farming in oregon and this is an industry much more complicated due to it having to be protected from crime, due to it being a drug, cash involvemnt and truthfully not always upstanding business owners. It is NOT like a normal agricultural farming crop, because it really isn't. I know there is a lot of money and pressure against these new rules being implemented and I can only hope the county has heard what is most important to us long time property owners of the need of stricter rules and regulations as it hasnt been working with the current ones. Enforcement still is not capable of taking care of the items not strict enough by us as a county.

Sincerely and Respectfully,
Tammy Threlkeld
Ken Clouse
23344 Alfalfa Market RD
Bend, OR 97701
From: MARIA WATTIER <mariawattier@msn.com>
Sent: Friday, August 31, 2018 12:33 PM
To: Tanya Saltzman
Cc: Tammy Baney; Tony DeBone; Phil Henderson
Subject: Marijuana Grow Public Hearing Feedback

Tanya and Commissioners,

We were at the public hearing this last Tuesday. First, would like to commend you all for the time, effort, energy and attention that you have given this matter. I had a version of an ice cream freeze headache by the end of that hearing. You all seemed calmed and collected and listening.

We like the direction in which the new rules are going.

Seems like the most effective one is your proposal to limit available land. There is already more marijuana than is useful and this would be a way of containing the locations.

Continuing to put pressure where it will do the most good to obtain a list of medical grows for enforcement seems crucial. You are not asking for a list of patients... simply the location. Is there anything citizens can do to help this process along? 700 plus grows seems excessive. Didn't know we had that many ill people with medical marijuana cards!

On the cannabis side, we can understand their concern about hemp growers having much more freedom about where and how they grow hemp. Will have to educate ourselves on what happens to mature hemp and exactly what it is used for. I'm guessing this issue will come up for you as planners and commissioners - more than it already has. If the cannabis growers are to be held to high standards, would the same be true of hemp?

Thank you for hanging in there.

Dick and Maria Wattier
Attachment 2:
Agency/Utility Testimony
Good Morning,

Thank you for allowing me to speak (maybe a bit incoherently) at the hearing yesterday regarding text amendments to Marijuana rules for Deschutes County. I have attached a word document with some suggested edits to the text in section 312 – Water. Although I felt as though I did not do a very good job at articulating points at times and seemed a bit nervous, due to the fact that I was unsure what the Commissioners wanted to hear from me and the fact that I was up there first; hopefully, I made some sense. Unlike me, I was very impressed with Tanya’s opening presentation and speaking skills. You were clear, incorporated timely pauses, your voice inflections were great and you were without “um’s” or “ahh’s.” Well done.

I have posed the question about a response to the letter the Commissioner’s had sent to director Byler and I am awaiting a reply from our senior Policy Analyst. I will let you know what they say and when we can get a response back to you.

In regards to water measurement, my discussions with our Salem staff astutely reminded me that I should not be offering legal advice and would be best if the commissioner’s sought input from their legal counsel.

Let me know if you have further questions or need clarification.

Have a great day!

Kyle

Kyle Gorman
Manager, South Central Region
Oregon Water Resources Department
231 SW Scalehouse Loop, Suite 103
Bend, OR 97702
541.306.6885
e-mail : Kyle.G.Gorman@oregon.gov
Chapter 9.12. RIGHT TO FARM


A. It is the purpose of DCC 9.12 to protect farm and forest-based economically productive activities of Deschutes County in order to assure the continued health, safety and prosperity of its residents. Farm and forest uses sometimes offend, annoy, interfere with or otherwise affect others located on or near farm and forest lands. Deschutes County has concluded in conformance with ORS chapter 30 that persons located on or near farm and forest lands must accept resource uses and management practices.

B. DCC 9.12 is intended to limit the availability of remedies based on nuisance or trespass, rights of action and claims for relief and issuance of citations for violations over which Deschutes County has jurisdiction, when they otherwise would either have an adverse impact on farm and forest uses that Deschutes County seeks to protect, or would impair full use of the farm and forest resource base within Deschutes County.

C. Scope. DCC Chapter 9.12 (The Deschutes County Right To Farm Ordinance) does not apply to marijuana production operations whether permitted by Deschutes County, Oregon Liquor Control Commission, Oregon Health Authority, or otherwise. (Ord. 2018-xxx §x, 2018; Ord. 2003-021 §21, 2003; Ord. 95-024 §2, 1995)
Chapter 18.24 REDMOND URBAN RESERVE AREA COMBINING ZONE


A. Subject to the prohibitions provided for in DCC 18.24.030(B), uses permitted conditionally in the RURA Combining Zone shall be those identified as conditional uses in the underlying zoning districts. Conditional uses shall be subject to all conditions of those zones as well as the requirements of this chapter.

B. The following uses are prohibited and not permitted in the RURA Combining Zone:

1. Marijuana production; and
2. Marijuana processing.

(Ord. 2018-xxx §x, 2018)
Chapter 18.116. SUPPLEMENTARY PROVISIONS

18.116.330 Marijuana Production, Processing, and Retailing

18.116.340 Marijuana Production Registered by the Oregon Health Authority (OHA)

A. Applicability. Section 18.116.330 applies to:
1. Marijuana Production in the EFU, MUA-10, and RI zones.
2. Marijuana Processing in the EFU, MUA-10, TeC, TeCR, TuC, Tul, RI, and SUBP zones

B. Marijuana production and marijuana processing. Marijuana production and marijuana processing shall be subject to the following standards and criteria:
1. Minimum Lot Area.
   a. In the EFU and MUA-10 zones, the subject legal lot of record shall have a minimum lot area of five (5) acres.

2. Indoor Production and Processing.
   In the MUA-10 zone, marijuana production and processing 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.
   a. In the EFU zone, marijuana production and processing shall only be located in buildings, including greenhouses, hoop houses, and similar structures.
   b. In all zones, marijuana production and processing are prohibited in any outdoor area.

3. Maximum Mature Plant Canopy Size. In the EFU zone, the maximum canopy area for mature marijuana plants shall apply as follows:
   a. Parcels from 5 acres to less than 10 acres in lot area: 2,500 square feet.
   b. Parcels equal to or greater than 10 acres to less than 20 acres in lot area: 5,000 square feet.
   c. 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:
      i. The marijuana production operation was lawfully established prior to January 1, 2015; and
      ii. 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.
   d. Parcels equal to or greater than 20 acres to less than 40 acres in lot area: 10,000 square feet.
   e. Parcels equal to or greater than 40 acres to less than 60 acres in lot area: 20,000 square feet.
   f. Parcels equal to or greater than 60 acres in lot area: 40,000 square feet.

4. Maximum Building Floor Area. In the MUA-10 zone, the maximum building floor area used for all activities associated with marijuana production and processing on the subject property shall be:
   a. Parcels from 5 acres to less than 10 acres in lot area: 2,500 square feet.
   b. Parcels equal to or greater than 10 acres: 5,000 square feet.

54. Limitation on License/Grow Site per Parcel. No more than one (1) Oregon Liquor Control Commission (OLCC) licensed marijuana production or Oregon Health Authority (OHA)
registered medical marijuana grow site shall be allowed per legal parcel or lot.

65. Setbacks. The following setbacks shall apply to all marijuana production and processing areas and buildings:
   a. Minimum Yard Setback/Distance from Lot Lines: 2100 feet.
   b. Setback from an off-site dwelling: 5300 feet.
      For the purposes of this criterion, an off-site dwelling includes those proposed off-site dwellings with a building permit application submitted to Deschutes County prior to submission of the marijuana production or processing application to Deschutes County.
   c. Exception: Any reduction to these setback requirements may be granted by the Planning Director or Hearings Body provided the applicant demonstrates the reduced setbacks afford equal or greater mitigation of visual, odor, noise, lighting, privacy, and access impacts.

76. Separation Distances. Minimum separation distances shall apply as follows:
   a. The use applicant property line shall be located a minimum of 2640 feet from:
      i. A public elementary or secondary school for which attendance is compulsory under Oregon Revised Statutes 339.010, et seq., including any parking lot appurtenant thereto and any property used by the school;
      ii. A private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), including any parking lot appurtenant thereto and any property used by the school;
      iii. A licensed child care center or licensed preschool, including any parking lot appurtenant thereto 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;
      iv. A youth activity center; and
      v. National monuments and state parks;
      vi. Redmond Urban Reserve Area;
      vii. The boundary of any local jurisdiction that has opted out of Oregon’s recreational marijuana program; and
      viii. Any other lot or parcel approved by Deschutes County for marijuana production.
   b. For purposes of DCC 18.116.330(B)(76), all distances shall be measured from the lot line of the affected properties listed in DCC 18.116.330(B)(76)(a) to the closest point of the buildings and land occupied by the marijuana producer or marijuana processor.
   c. A change in use of another property to those identified in DCC 18.116.330(B)(76) shall not result in the marijuana producer or marijuana processor being in violation of DCC 18.116.330(B)(76) if the use is:
      i. Pending a local land use decision;
      ii. Licensed or registered by the State of Oregon; or
      iii. Lawfully established.

87. Access. Marijuana production over 5,000 square feet of canopy area for mature marijuana plants sites shall comply with the following standards:
   a. Have frontage on and legal direct access from a constructed public, county, or state road; or
   b. Have access from a private road or easement serving only the subject property.
   c. 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. The written consent shall:
      i. Be on a form provided by the County and shall contain the following information;
ii. Include notarized signatures of all owners, persons and properties holding a recorded interest in the private road or easement;

iii. Include a description of the proposed marijuana production or marijuana processing operation; and

iv. Include a legal description of the private road or easement.

98. Lighting. Lighting shall be regulated as follows:
   a. Inside building lighting, including greenhouses, hoop houses, and similar structures, used for marijuana production shall not be visible outside the building from sundown to sunup 7:00 p.m. to 7:00 a.m. on the following day.
   b. 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.
   c. Light cast by exterior light fixtures other than marijuana grow lights shall comply with DCC 15.10, Outdoor Lighting Control.

109. Odor. As used in DCC 18.116.330(B)(9), building means the building, including greenhouses, hoop houses, and other similar structures, used for marijuana production or marijuana processing. Odor produced by marijuana production and processing shall comply with the following:
   a. Standard. To prevent unreasonable interference of neighbors’ use and enjoyment of their property, no adverse or noxious odors shall be detectable beyond the applicant’s property line.
   b. Odor control plan. To ensure that the standard stated in DCC 18.116.330(B)(9) is continuously met, the applicant shall submit an odor control plan prepared and stamped by a mechanical engineer licensed in the State of Oregon that includes the following:
      i. The mechanical engineer’s qualifications and experience with system design and operational audits of effective odor control and mitigation systems;
      ii. A detailed analysis of the methodology, which has been independently researched and tested, that will be relied upon to effectively control odor on the subject property;
      iii. A detailed description of any odor control systems that will be utilized, including operational schedules and maintenance intervals;
      iv. Contingency measures if any aspect of the odor control plan fails or is not followed, or if it is otherwise shown that the standard stated in DCC 18.116.330(B)(9) is not met;
      v. Testing protocols and intervals; and
      vi. Identification of the responsible parties tasked with implementing each aspect of the odor control plan.
   c. Modifications. Modifications to the odor control plan shall be approved in the same manner as a modification to a land use action pursuant to DCC 22.36.040.
      a. 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.
      b. 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 system design and operational audit of effectively operating the system will effectively and continuously control odor so as not to
unreasonably interfere with neighbors’ use and enjoyment of their property.

c. Private actions alleging nuisance or trespass associated with odor impacts are authorized, if at all, as provided in applicable state statute.

d. The odor control system shall:
   i. 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
   ii. Utilize an alternative method or technology to achieve equal to or greater odor mitigation than provided by (i) above.

e. The system shall at all times be maintained in working order and shall be in use.

1110. Noise. Noise produced by marijuana production and marijuana processing shall comply with the following:

a. 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. the following day.

b. Sustained noise from marijuana production is exempt from protections of DCC 9.12 and ORS 30.395, Right to Farm. Intermittent noise for accepted farming practices is permitted.

a. Standard. To prevent unreasonable interference of neighbors’ use and enjoyment of their property, sustained noise shall not be detectable beyond the applicant’s property line above 30 dB(A) between 10:00 p.m. and 7:00 a.m. the following day.

i. For purposes of DCC 18.116.330(B)(10), “sustained noise” shall mean noise lasting more than two continuous minutes or two total minutes in a one hour period from mechanical equipment used for heating, ventilation, air-condition, odor control, fans and similar functions associated with marijuana production and processing.

b. Noise control plan. To ensure that the standard stated in DCC 18.116.330(B)(10) is continuously met, the applicant shall submit a noise control plan prepared and stamped by a mechanical engineer licensed in the State of Oregon that includes the following:

i. The mechanical engineer’s qualifications and experience with system design and operational audit of effective noise control and mitigation systems;

ii. A detailed analysis of the methodology that will be relied upon to effectively control noise on the subject property;

iii. A detailed description of any noise control systems that will be utilized, including operational schedules and maintenance intervals;

iv. Contingency measures if any aspect of the noise control plan fails or is not followed, or if it is otherwise shown that the standard stated in DCC 18.116.330(B)(10) is not met;

v. Testing protocols and intervals; and

vi. Identification of the responsible parties tasked with implementing each aspect of the noise control plan.

Compliance. On-going compliance with the noise control plan is mandatory and shall be ensured with a permit condition of approval, but compliance with the noise control plan does not supersede required compliance with the standard set forth in DCC 18.116.330(B)(10). If provided in applicable state statutes, private actions alleging nuisance or trespass associated with odor impacts are authorized.

b. Modifications. Modifications to the noise control plan shall be approved in the same manner as a modification to a land use action pursuant to DCC 22.36.040.

1211. Screening and Fencing. The following screening standards shall apply to greenhouses, hoop houses, and similar non-rigid structures and land areas used for
marijuana production and processing:

a. All marijuana uses, buildings, structures, fences, and storage and parking areas, whether a building permit is required or not, in the Landscape Management Combining Zone, shall comply with and require Subject to DCC 18.84, Landscape Management Combining Zone approval, if applicable.

b. Fencing and screening shall be finished in a muted earth tone that blends with the surrounding natural landscape and shall not be constructed of temporary materials such as plastic sheeting, hay bales, tarps, etc., and shall be subject to DCC 18.88, Wildlife Area Combining Zone, if applicable.

c. Razor wire, or similar, shall be obscured from view or colored a muted earth tone that blends with the surrounding natural landscape.

d. The existing tree and shrub cover screening the development from the public right-of-way or adjacent properties shall be retained to the maximum extent possible. This provision does not prohibit maintenance of existing lawns, removal of dead, diseased or hazardous vegetation; the commercial harvest of forest products in accordance with the Oregon Forest Practices Act; or agricultural use of the land.

1312. Water. Applicant shall state the anticipated amount of water to be used on an annual basis. Water use from any source for marijuana production shall comply with all applicable state statutes and regulations. The applicant shall provide:

a. A copy of a water right permit, certificate, or other water use authorization from the Oregon Water Resource Department; or Oregon Water Resources Department (OWRD) Certificate(s), permit, or other water use authorization proving necessary water supply of proper classification will be available for intended use during required seasons, regardless of source.

b. A will serve statement that water is supplied from a public or private water provider, along with a will haul statement, including the name and contact information of the water provider/ hauler; or Source water provider Will Serve statement referencing Certificated a valid Water Right to be utilized, if any, as well as a Will Haul statement, including the name and contact information of the water hauler.

c. Proof from the Oregon Water Resources Department that the water to be used is from a source that does not require a water right. In the alternative to (a) and (b) above, proof from Oregon Water Resources Department that the water supply to be used does not require a Certificated Water Right for the specific application use classification, volume, and season of use (i.e., roof-collected water).

d. For production sites with 5,000 square feet or more of mature canopy, a water meter for all on-site commercial wells shall be required.

e. If multiple sources of water are being proposed during the year, the applicant shall provide proof from the controlling entity that the water can be applied to marijuana production.

1413. Fire protection for processing of cannabinoid extracts. Processing of cannabinoid extracts shall only be permitted on properties located within the boundaries of or under contract with a fire protection district.

1514. Utility Verification. Utility statements identifying the proposed operation, or operational characteristics such as required electrical load and timing of such electrical loads and Aa statement from each utility company proposed to serve the operation, stating that each such company is able and willing to serve the operation, shall be provided. The utility shall state whether system upgrades will be required to serve the proposed use, and that the use will not be served until such upgrades are completed to protect existing service to neighboring users. This may also be included as a condition of approval if appropriate, insuring applicant participation in upgrade costs.
1615. 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 OLCC or the OHA.

   a. Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA Person Responsible for the Grow Site (PRMG).
   b. A statement is also required describing how any water runoff is being addressed.

Residency. In the MUA-10 zone, a minimum of one of the following shall reside in a dwelling unit on the subject property:
   a. An owner of the subject property;
   b. A holder of an OLCC license for marijuana production, provided that the license applies to the subject property; or
   c. 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.

1817. Nonconformance. All medical marijuana grow sites lawfully established prior to June 8, 2016 by the Oregon Health Authority shall comply with Ordinance 2016-015 and with the provisions of DCC 18.116.330(B)(9) by September 8, 2016 and with the provisions of DCC 18.116.330(B)(10-12, 16, 17) by December 8, 2016.

1918. Prohibited Uses.
   a. In the EFU zone, the following uses are prohibited:
      i. A new dwelling used in conjunction with a marijuana crop;
      ii. A farm stand, as described in ORS 215.213(1)(r) or 215.283(1)(o), used in conjunction with a marijuana crop;
      iii. A commercial activity, as described in ORS 215.213(2)(c) or 215.283(2)(a), carried on in conjunction a marijuana crop; and
      iv. Agri-tourism and other commercial events and activities in conjunction with a marijuana crop.
   b. In the MUA-10 Zone, the following uses are prohibited:
      i. Commercial activities in conjunction with farm use when carried on in conjunction with a marijuana crop.
   cb. In the EFU, MUA-10, and Rural Industrial zones, the following uses are prohibited on the same property as marijuana production:
      i. Guest Lodge.
      ii. Guest Ranch.
      iii. Dude Ranch.
      iv. Destination Resort.
      v. Public Parks.
      vi. Private Parks.
      viii. Bed and Breakfast.
      ix. Room and Board Arrangements.

   a. Odor. On-going compliance with the odor control plan is mandatory and shall be ensured with a permit condition of approval. The odor control plan does not supersede required compliance with the standard set forth in DCC 18.116.330(B)(9). If provided in applicable state statutes, private actions alleging nuisance or trespass associated with odor impacts are authorized.
   b. Noise. On-going compliance with the noise control plan is mandatory and shall be ensured with a permit condition of approval. The noise control plan does not supersede
required compliance with the standard set forth in DCC 18.116.330(B)(10). If provided in applicable state statutes, private actions alleging nuisance or trespass associated with odor impacts are authorized.

C. Marijuana Retailing. Marijuana retailing, including recreational and medical marijuana sales, shall be subject to the following standards and criteria:

1. Hours. Hours of operation shall be no earlier than 9:00 a.m. and no later than 7:00 p.m. on the same day.
2. Odor. The building, or portion thereof, used for marijuana retailing shall be designed or equipped to prevent detection of marijuana plant odor off premise by a person of normal sensitivity.
3. Window Service. The use shall not have a walk-up or drive-thru window service.
4. Secure Waste Disposal. Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA registrant.
5. Minors. No person under the age of 21 shall be permitted to be present in the building, or portion thereof, occupied by the marijuana retailer, except as allowed by state law.
6. Co-Location of Related Activities and Uses. Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the marijuana retailer. In addition, marijuana retailing shall not be co-located on the same lot or parcel or within the same building with any marijuana social club or marijuana smoking club.
7. Separation Distances. Minimum separation distances shall apply as follows:
   a. The use shall be located a minimum of 1,000 feet from:
      i. A public elementary or secondary school for which attendance is compulsory under Oregon Revised Statutes 339.010, et seq., including any parking lot appurtenant thereto and any property used by the school;
      ii. A private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), including any parking lot appurtenant thereto and any property used by the school;
      iii. A licensed child care center or licensed preschool, including any parking lot appurtenant thereto and any property used by the child care center or preschool. This does not include licensed or unlicensed family child care which occurs at or in residential structures;
      iv. A youth activity center;
      v. National monuments and state parks; and
      vi. Any other marijuana retail facility licensed by the OLCC or marijuana dispensary registered with the OHA.
   b. For purposes of DCC 18.116.330(CB)(7), distance shall be measured from the lot line of the affected property to the closest point of the building space occupied by the marijuana retailer. For purposes of DCC 18.116.330(CB)(7)(a)(vi), distance shall be measured from the closest point of the building space occupied by one marijuana retailer to the closest point of the building space occupied by the other marijuana retailer.
   c. A change in use to another property to a use identified in DCC 18.116.330(CB)(7), after a marijuana retailer has been licensed by or registered with the State of Oregon shall not result in the marijuana retailer being in violation of DCC 18.116.330(CB)(7).

D. Inspections and Annual Reporting.

1. An annual report shall be submitted to the Community Development Department by the real property owner or licensee, if different, each February 1, documenting all of the
following as of December 31 of the previous year, including the applicable fee as adopted
in the current County Fee Schedule and a fully executed Consent to Inspect Premises form:

a. Documentation demonstrating compliance with the:
   i. Land use decision and permits.
   ii. Fire, health, safety, waste water, and building codes and laws.
   iii. State of Oregon licensing requirements.

b. A statement of annual water use.

c. Failure to timely submit the annual report, fee, and Consent to Inspect Premises form or to
demonstrate compliance with DCC 18.116.330(D)(1)(a) shall serve as
acknowledgement by the real property owner and licensee that the otherwise allowed
use is not in compliance with Deschutes County Code; authorizes permit revocation
under DCC Title 22, and may be relied upon by the State of Oregon to deny new or
license renewal(s) for the subject use.

d. Other information as may be reasonably required by the Planning Director to ensure
compliance with Deschutes County Code, applicable State regulations, and to protect
the public health, safety, and welfare.

e. As a condition of approval, the applicant must consent in writing to allow Deschutes
County to, randomly and without prior notice, inspect the premises and ascertain the
extent and effectiveness of the odor control system(s), compliance with the Deschutes
County Code, and applicable conditions of approval. Inspections may be conducted by
the County up to four (4) times per calendar year, including one inspection prior to the
initiation of use. Inspecting the premises and to ascertain the extent and
effectiveness of odor control system(s), Marijuana Control Plan to be established and
maintained by the Community Development Department.

e. Conditions of Approval Agreement to be established and maintained by the
Community Development Department.

f. Documentation that System Development Charges have been paid.

This information shall be public record subject to ORS 192.502(17).

h. Failure to timely submit the annual report, fee, and Consent to Inspect Premises form or
to demonstrate compliance with DCC 18.116.330(D)(1)(a) shall serve as
acknowledgement by the real property owner and licensee that the otherwise allowed
use is not in compliance with Deschutes County Code; authorizes permit revocation
under DCC Title 22, and may be relied upon by the State of Oregon to deny new or
license renewal(s) for the subject use.

(Ord. 2018-xxx §x, 2018; Ord. 2016-015 §10, 2016)

18.116.340. Marijuana Production Registered by the Oregon Health Authority (OHA)
A. Applicability. Section 18.116.340 applies to:
   1. All marijuana production registered by OHA prior to June 1, 2016; and
   2. All marijuana production registered by OHA on or after June 1 2016 until the effective date
      of Ordinances 2016-015, 2016-16, 2016-17, and 2016-18, at which time Ordinances 2016-
      015 through Ordinance 2016-018 shall apply.
B. All marijuana production registered by OHA prior to June 1, 2016 shall comply with the
   following standards by September 15, 2016:
      1. Lighting. Lighting shall be regulated as follows:
         a. Inside building lighting, including greenhouses, hoop houses, and similar structures,
            used for marijuana production shall not be visible outside the building from 7:00 p.m.
            to 7:00 a.m. sundown to sunup on the following day.
b. 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.

c. Light cast by exterior light fixtures other than marijuana grow lights shall comply with DCC 15.10, Outdoor Lighting Control.

C. All marijuana production registered by OHA prior to June 1, 2016 shall comply with the following standards by December 15, 2016:

1. Odor. As used in DCC 18.116.3430(CB)(10), building means the building, including greenhouses, hoop houses, and other similar structures, used for marijuana production or marijuana processing.

   a. 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.

   b. 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.

   c. Private actions alleging nuisance or trespass associated with odor impacts are authorized, if at all, as provided in applicable state statute.

   d. The odor control system shall:

      i. 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

      ii. Utilize an alternative method or technology to achieve equal to or greater odor mitigation than provided by i. above.

   e. The system shall be maintained in working order and shall be in use.

2. Noise. Noise produced by marijuana production and marijuana processing shall comply with the following:

   a. Sustained noise from mechanical equipment used for heating, ventilation, air conditioning, 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. the following day.

   b. Sustained noise from marijuana production is not subject to the Right to Farm protections in DCC 9.12 and ORS 30.395. Intermittent noise for accepted farming practices is however permitted.

3. Screening and Fencing. The following screening standards shall apply to greenhouses, hoop houses, and similar non-rigid structures and land areas used for marijuana production and processing:

   a. Subject to DCC 18.84, Landscape Management Combining Zone approval, if applicable.

   b. Fencing shall be finished in a muted earth tone that blends with the surrounding natural landscape and shall not be constructed of temporary materials such as plastic sheeting, hay bales, tarps, etc., and shall be subject to DCC 18.88, Wildlife Area Combining Zone, if applicable.

   c. Razor wire, or similar, shall be obscured from view or colored a muted earth tone that blends with the surrounding natural landscape.

   d. The existing tree and shrub cover screening the development from the public right-of-way or adjacent properties shall be retained to the maximum extent possible. This provision does not prohibit maintenance of existing lawns, removal of dead, diseased or hazardous vegetation; the commercial harvest of forest products in accordance with the Oregon Forest Practices Act; or agricultural use of the land.
4. Water. The applicant shall provide:
   a. A copy of a water right permit, certificate, or other water use authorization from the Oregon Water Resource Department; or
   b. 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
   c. Proof from the Oregon Water Resources Department that the water to be used is from a source that does not require a water right.

5. 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 OLCC or the OHA.

6. Secure Waste Disposal. Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA Person Responsible for the Grow Site (PRMG).

7. Inspections and Annual Reporting. All marijuana production registered by OHA prior to June 1, 2016 shall comply with DCC 18.116.340(D)(8) when site locations are identified or otherwise disclosed by the State of Oregon.

D. All new marijuana production registered by OHA on or after June 1, 2016 shall comply with DCC 18.116.3430(A-BC) and the following standards:
1. Shall only be located in the following zones
   a. EFU; or
   b. MUA-10; or
   c. Rural Industrial in the vicinity of Deschutes Junction.
   a. In the EFU and MUA-10 zones, the subject property shall have a minimum lot area of five (5) acres.
3. 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:
   a. Parcels from 5 acres to less than 10 acres in area: 2,500 square feet.
   b. Parcels equal to or greater than 10 acres: 5,000 square feet.
4. Setbacks. The following setbacks shall apply to all marijuana production areas and buildings:
   a. Minimum Yard Setback/Distance from Lot Lines: 4200 feet.
   b. Setback from an off-site dwelling: 3500 feet.
      For the purposes of this criterion, an off-site dwelling includes those proposed off-site dwellings with a building permit application submitted to Deschutes County prior to submission of the marijuana production or processing application to Deschutes County.
   c. Exception: Reductions to these setback requirements may be granted at the discretion of the Planning Director or Hearings Body provided the applicant demonstrates that the reduced setbacks afford equal or greater mitigation of visual, odor, noise, lighting, privacy, and access impacts.
5. Indoor Production and Processing.
   a. 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.
   b. In all zones, marijuana production is prohibited in any outdoor area.
6. Maximum Mature Plant Canopy Size. In the EFU zone, the maximum canopy area for mature marijuana plants shall apply as follows:
a. Parcels from 5 acres to less than 10 acres in lot area: 2,500 square feet.
b. Parcels equal to or greater than 10 acres to less than 20 acres in lot area: 5,000 square feet. 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:
   i. The marijuana production operation was lawfully established prior to January 1, 2015; and
   ii. 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.
c. Parcels equal to or greater than 20 acres to less than 40 acres in lot area: 10,000 square feet.
d. Parcels equal to or greater than 40 acres to less than 60 acres in lot area: 20,000 square feet.
e. Parcels equal to or greater than 60 acres in lot area: 40,000 square feet.

Separation Distances. Minimum separation distances shall apply as follows:

a. The use shall be located a minimum of \(1,000 \text{ to } 2,640\) feet from:
   i. A public elementary or secondary school for which attendance is compulsory under Oregon Revised Statutes 339.010, et seq., including any parking lot appurtenant thereto and any property used by the school;
   ii. A private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), including any parking lot appurtenant thereto and any property used by the school;
   iii. A licensed child care center or licensed preschool, including any parking lot appurtenant thereto 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;
   iv. A youth activity center; and
   v. National monuments and state parks;
   vi. Public Federal lands; and
   vii. Redmond Urban Reserve Area;
   viii. The boundary of any local jurisdiction that has opted out of Oregon’s recreational marijuana program; and
   ix. Any other lot or parcel approved by Deschutes County for marijuana production.
b. For purposes of DCC 18.116.3430(DB)(76), all distances shall be measured from the lot line of the affected properties listed in DCC 18.116.3430(DB)(76)(a) to the closest point of the buildings and land area occupied by the marijuana producer or marijuana processor.
c. A change in use of another property to those identified in DCC 18.116.3430(DB)(76) shall not result in the marijuana producer or marijuana processor being in violation of DCC 18.116.330(B)(26) if the use is:
   i. Pending a local land use decision;
   ii. Registered by the State of Oregon; or
   iii. Lawfully established.

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

a. Have frontage on and legal direct access from a constructed public, county, or state road; or
b. Have access from a private road or easement serving only the subject property.
c. 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. The written consent shall:

i. Be on a form provided by the County and shall contain the following information;

ii. Include notarized signatures of all owners, persons and properties holding a recorded interest in the private road or easement;

iii. Include a description of the proposed marijuana production or marijuana processing operation; and

iv. Include a legal description of the private road or easement.

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

a. An owner of the subject property;

b. 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.

10. Inspections and Annual Reporting. An annual report shall be submitted to the Community Development Department by the real property owner or licensee, if different, of marijuana production registered by OHA, each February 1, documenting all of the following as of December 31 of the previous year, including the applicable fee as adopted in the current County Fee Schedule and a fully executed Consent to Inspect Premises form:

a. Documentation demonstrating compliance with the:

i. Land use decision and permits.

ii. Fire, health, safety, waste water, and building codes and laws.

iii. State of Oregon licensing requirements.

b. A statement of annual water use.

b. Failure to timely submit the annual report, fee, and Consent to Inspect Premises form or to demonstrate compliance with DCC 18.116.3430(C)(8) shall serve as acknowledgement by the real property owner and licensee that the otherwise allowed use is not in compliance with Deschutes County Code; authorizes permit revocation under DCC Title 22, and may be relied upon by the State of Oregon to deny new or license renewal(s) for the subject use.

c. Other information as may be reasonably required by the Planning Director to ensure compliance with Deschutes County Code, applicable State regulations, and to protect the public health, safety, and welfare.

d. Marijuana Control Plan to be established and maintained by the Community Development Department. As a condition of approval, the applicant must consent in writing to allow Deschutes County to, randomly and without prior notice, inspect the premises and ascertain the extent and effectiveness of the odor control system(s), compliance with the Deschutes County Code, and applicable conditions of approval. Inspections may be conducted by the County up to four (4) times per calendar year, including one inspection prior to the initiation of use. As a condition of approval, the applicant must consent in writing to allow Deschutes County to randomly and without prior notice, up to four (4) times per calendar year, inspect the premises to ascertain the extent and effectiveness of for odor control.

Conditions of Approval Agreement to be established and maintained by the Community Development Department.

e. Documentation that System Development Charges have been paid.

f. This information shall be public record subject to ORS 192.502(17).

g. Failure to timely submit the annual report, fee, and Consent to Inspect Premises form or to demonstrate compliance with DCC 18.116.340(C)(8) shall serve as acknowledgement by the real property owner and licensee that the otherwise allowed use is not in compliance with Deschutes County Code; authorizes permit revocation.
119.d Uses.
   a. In the EFU zone, the following uses are prohibited:
      i. A new dwelling used in conjunction with a marijuana crop;
      ii. A farm stand, as described in ORS 215.213(1)(r) or 215.283(1)(o), used in
          conjunction with a marijuana crop;
      iii. A commercial activity, as described in ORS 215.213(2)(c) or 215.283(2)(a),
          carried on in conjunction a marijuana crop; and
      iv. Agri-tourism and other commercial events and activities in conjunction with a
          marijuana crop.
   b. In the MUA-10 Zone, the following uses are prohibited:
      i. Commercial activities in conjunction with farm use when carried on in conjunction
         with a marijuana crop.
   cb. In the EFU, MUA-10, and Rural Industrial zones, the following uses are prohibited on
      the same property as marijuana production:
      Guest Lodge.
      i. Guest Ranch.
      ii. Dude Ranch.
      iii. Destination Resort.
      iv. Public Parks.
      v. Private Parks.
      vi. Events, Mass Gatherings and Outdoor Mass Gatherings.
      vii. Bed and Breakfast.
      viii. Room and Board Arrangements.

(Ord. 2018-xxx §x, 2018; Ord. 2016-019 §1, 2016)
Chapter 18.124. SITE PLAN REVIEW

18.124.060. Approval Criteria.

** * * *

18.124.060. Approval Criteria.

Approval of a site plan shall be based on the following criteria:

A. The proposed development shall relate harmoniously to the natural and man-made environment and existing development, minimizing visual impacts and preserving natural features including views and topographical features.

B. The landscape and existing topography shall be preserved to the greatest extent possible, considering development constraints and suitability of the landscape and topography. Preserved trees and shrubs shall be protected.

C. The site plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transition from public to private spaces.

D. When appropriate, the site plan shall provide for the special needs of disabled persons, such as ramps for wheelchairs and Braille signs.

E. The location and number of points of access to the site, interior circulation patterns, separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures shall be harmonious with proposed and neighboring buildings and structures.

F. Surface drainage systems shall be designed to prevent adverse impacts on neighboring properties, streets, or surface and subsurface water quality.

G. Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking and similar accessory areas and structures shall be designed, located and buffered or screened to minimize adverse impacts on the site and neighboring properties.

H. All above-ground utility installations shall be located to minimize adverse visual impacts on the site and neighboring properties.

I. Specific criteria are outlined for each zone and shall be a required part of the site plan (e.g. lot setbacks, etc.).

J. All exterior lighting shall be shielded so that direct light does not project off-site.

K. Transportation access to the site shall be adequate for the use.
   1. Where applicable, issues including, but not limited to, sight distance, turn and acceleration/deceleration lanes, right-of-way, roadway surfacing and widening, and bicycle and pedestrian connections, shall be identified.
   2. Mitigation for transportation-related impacts shall be required.
   3. Mitigation shall meet applicable County standards in DCC 17.16 and DCC 17.48, applicable Oregon Department of Transportation (ODOT) mobility and access standards, and applicable American Association of State Highway and Transportation Officials (AASHTO) standards.

(Ord. 2018-xxx §x, 2018; Ord. 2010-018 §2, 2010, Ord. 93-043 §§21, 22 and 22A, 1993; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991)
Chapter 22.24. LAND USE ACTION HEARINGS

22.24.010. Filing of Staff Report for Hearing.
22.24.090. Record.
22.24.110. Challenge for Bias, Prejudgment of Personal Interest.
22.24.120. Hearings Procedure.
22.24.125. Setting the Hearing.
22.24.140. Continuances or Record Extensions.
22.24.150. Objections to Jurisdiction, Procedure, Notice or Qualifications.
22.24.160. Reopening the Record.

22.24.010. Filing of Staff Report for Hearing.
A. At the time an application that in the judgment of the Planning director requires a hearing is deemed complete, a hearing date shall be set.
B. A staff report shall be completed seven days prior to hearing. If the report is not completed by such time, the hearing shall be held as scheduled, but any party may at the hearing or in writing prior to the hearing request a continuance of the hearing to a date that is at least seven days after the date the initial staff report is complete. Pursuant to DCC 22.24.140(A)(3), grant of a continuance under these circumstances shall be discretionary.
C. A copy of the staff report shall be mailed to the applicant, shall be made available to such other persons who request a copy and shall be filed with the Hearings Body.
D. Oral or written modifications and additions to the staff report shall be allowed prior to or at the hearing.
(Ord. 96-071 §1D, 1996; Ord. 95-045 §11, 1995; Ord. 90-007 §1, 1990)

A. The following shall serve as the hearings body:
   1. Hearings Officer.
   2. Planning Commission, as specified by DCC 22.24.020(C).
   3. Board of County Commissioners, except where an applicable joint management agreement within an acknowledged urban growth boundary specifies a city governing body as the final appeals body.
B. The Hearings Body order shall be as set forth in DCC 22.24.020(A), except that the Board may call up an administrative decision for review without the necessity of an application going before the Hearings Officer.
C. Where the Hearings Officer declines to hear a matter on the grounds of a conflict of interest, the Planning Commission shall substitute for the hearings officer. In the Redmond Urban Area, the initial Hearings Body for a quasi-judicial plan amendment or zone change may at the discretion of the Planning Director be either the Planning Commission or the Hearings Officer. Additionally, in the Redmond...
Urban Area, the initial Hearings Body for Declaratory Rulings and revocations of land use approvals may, at the discretion of the Planning Director, be the Hearings Officer, the Redmond Urban Area Planning Commission or the Redmond City Council.

(Ord. 2001-045 §1, 2001; Ord. 2000-003 §1, 2000; Ord. 99-031 §5, 1999; Ord. 98-019 §3, 1998; Ord. 96-071 §1D, 1996; Ord. 95-045 §11A, 1995; Ord. 90-007 §1, 1990)


A. Individual Mailed Notice.
   1. Except as otherwise provided for herein, notice of a land use application shall be mailed at least 20 days prior to the hearing for those matters set for hearing, or within 10 days after receipt of an application for those matters to be processed administratively with notice. Written notice shall be sent by mail to the following persons:
      a. The applicant.
      b. Owners of record of property as shown on the most recent property tax assessment roll of property located:
         1. Within 100 feet of the property that is the subject of the notice where any part of the subject property is within an urban growth boundary;
         2. Within 250 feet of the property that is the subject of the notice where the subject property is outside an urban growth boundary and not within a farm or forest zone, except where greater notice is required under DCC 22.24.030(A)(4) for structures proposed to exceed 30 feet in height; or
         3. Within 750 feet of the property that is the subject of the notice where the subject property is within a farm or forest zone, except where greater notice is required under DCC 22.24.030(A)(4) for structures proposed to exceed 30 feet in height.
      4. Within 1000 feet of the property that is subject of a marijuana production or processing notice where the subject property is within a farm zone.
      c. For a solar access or solar shade exception application, only those owners of record identified in the application as being burdened by the approval of such an application.
      d. The owner of a public use airport if the airport is located within 10,000 feet of the subject property.
      e. The tenants of a mobile home park when the application is for the rezoning of any part or all of a mobile home park.
      f. The Planning Commission.
      g. Any neighborhood or community organization formally recognized by the board under criteria established by the Board whose boundaries include the site.
      h. At the discretion of the applicant, the County also shall provide notice to the Department of Land Conservation and Development.
   2. Notwithstanding DCC 22.24.030(A)(1)(b)(1), all owners of property within 250 feet of property that is the subject of a plan amendment application or zone change application shall receive notice.
   3. The failure of a property owner to receive mailed notice shall not invalidate any land use approval if the Planning Division can show by affidavit that such notice was given.
   4. For structures proposed to exceed 30 feet in height that are located outside of an urban growth boundary, the area for describing persons entitled to notice under DCC 22.24.030(A)(1)(b) shall expand outward by a distance equal to the distance of the initial notice area boundary for every 30 foot height increment or portion thereof.

B. Posted Notice.
   1. Notice of a land use action application for which prior notice procedures are chosen shall be posted on the subject property for at least 10 continuous days prior to any date set for receipt of comments. Such notice shall, where practicable, be visible from any adjacent public way.
2. Posted notice of an application for a utility facility line approval shall be by posting the proposed route at intervals of not less than one-half mile. The notice shall be posted as close as practicable to, and be visible from, any public way in the vicinity of the proposed route.

3. Notice of a solar access application shall be posted as near as practicable to each lot identified in the application.

C. Published Notice. In addition to notice by mail and posting, notice of an initial hearing shall be published in a newspaper of general circulation in the County at least 20 days prior to the hearing.

D. Media Notice. Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.


A. All mailed notices of a land use action hearing shall:

1. Describe the nature of the applicant's request and the nature of the proposed uses that could be authorized.
2. List the criteria from the zoning ordinance and the plan applicable to the application at issue.
3. Set forth the street address or easily understood geographical reference to the subject property.
4. State the date, time and location of any hearing or date by which written comments must be received.
5. State that any person may comment in writing and include a general explanation of the requirements for submission of testimony and the procedures for conduct of testimony, including, but not limited to, a party's right to request a continuance or to have the record held open.
6. If a hearing is to be held, state that any interested person may appear.
7. State that failure to raise an issue in person at a hearing or in writing precludes appeal by that person to the Land Use Board of Appeals (LUBA), and that failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue precludes appeal to LUBA based on that issue.
8. State the name of a county representative to contact and the telephone number where additional information may be obtained.
9. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.
10. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.
11. All mailed notices shall contain the following statement: NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

B. All mailed and published notices for hearings shall contain a statement that recipients may request a copy of the staff report.

C. All mailed and published notices concerning applications necessitating an exception to one of the statewide land use planning goals shall state that a goal exception is proposed and shall summarize the issues in an understandable manner.


Throughout all local land use proceedings, the burden of proof rests on the applicant.

(Ord. 95-045 §14, 1995; Ord. 90-007 §1, 1990)
All relevant evidence shall be received.
(Ord. 90-007 §1, 1990)

The Hearings Body may set reasonable time limits on oral testimony.
(Ord. 90-007 §1, 1990)

A. Any interested person may appear and be heard in a land use action hearing, except that in appeals heard on the record, a person must have participated in a previous hearing on the subject application.
B. Any person appearing on the record at a hearing (including appeals) or presenting written evidence in conjunction with an administrative action or hearing shall have standing and shall be a party. A person whose participation consists only of signing a petition becomes a party only if his or her signature is legible and his or her address is clearly written on the petition.
C. Additionally, any owner of property to be burdened by a solar access permit shall be considered a party at every stage of the solar access permit decision process.
(Ord. 96-071 §1D, 1996; Ord. 95-045 §15, 1995; Ord. 90-007 §1, 1990)

22.24.090. Record.
A. A tape record of the hearing shall be made.
B. All exhibits presented shall be marked to show the identity of the person offering the exhibit.
C. Exhibits shall be numbered in the order presented in two categories, proponents and opponents, and shall be dated.
D. When exhibits are introduced, the proponent or opponent exhibit number or letter shall be read into the record.
(Ord. 05-051 §1, 2005; Ord. 90-007 §1, 1990)

Prior to making a decision, the Hearings Body or any member thereof shall not communicate directly or indirectly with any party or his representative in connection with any issue involved in a pending hearing except upon notice and opportunity for all parties to participate. Should such communication - whether written or oral - occur, the Hearings Body member shall:
A. Publicly announce for the record the substance of such communication; and
B. Announce the parties' right to rebut the substance of the ex parte communication during the hearing.
Communication between County staff and the Hearings Body shall not be considered to be an ex parte contact.
(Ord. 90-007 §1, 1990)

A. If the Hearings Body or any member thereof uses personal knowledge acquired outside of the hearing process in rendering a decision, the Hearings Body or member thereof shall state the substance of that knowledge on the record and allow all parties the opportunity to rebut such statement on the record.
B. For the purposes of DCC 22.24.105, a site visit by the Hearings Body shall be deemed to fall within this rule. After the site visit has concluded, the Hearings Body must disclose its observations and conclusions gained from the site visit in order to allow for rebuttal by the parties.
(Ord. 95-045 §16, 1995)
22.24.110. Challenge for Bias, Prejudgment or Personal Interest.

Prior to or at the commencement of a hearing, any party may challenge the qualification of the Hearings Body, or a member thereof, for bias, prejudgment or personal interest. The challenge shall be made on the record and be documented with specific reasons supported by facts. Should qualifications be challenged, the Hearings Body or the member shall disqualify itself, withdraw or make a statement on the record of its capacity to hear. A planning commission member with a conflict identified under ORS 215.035 or 215.244 must disqualify him or herself after disclosure.

(Ord. 90-007 §1, 1990)

22.24.120. Hearings Procedure.

A hearing shall be conducted as follows:

A. The Hearings Body shall explain the purpose of the hearing and announce the order of proceedings, including reasonable time limits on presentations by parties.

B. A statement by the Hearings Body regarding pre-hearing contacts, bias, prejudice or personal interest shall be made.

C. Any facts received, noticed or recognized outside of the hearing shall be stated for the record.

D. Challenges to the Hearings Body's qualifications to hear the matter shall be stated and challenges entertained.

E. The Hearings Body shall list applicable substantive criteria, explain that testimony and evidence must be directed toward that criteria or other criteria in the comprehensive plan or land use regulations that the person believes to apply to the decision, and that failure to address an issue with sufficient specificity to afford the decision-maker and the parties an opportunity to respond precludes appeal to LUBA based on that issue.

F. Order of presentation:
   1. Open the hearing.
   2. Staff report.
   3. Proponents’ presentation.
   4. Opponents’ presentation.
   5. Proponents’ rebuttal.
   6. Opponents’ rebuttal may be allowed at the Hearings Body’s discretion.
   7. Staff comment.
   8. Questions from or to the chair may be entertained at any time at the Hearings Body’s discretion.
   9. Close the hearing.

G. The record shall be available for public review at the hearing.

H. A form of preliminary statement incorporating the provisions of DCC 22.24.120 is set forth as Appendix A to DCC Title 22 for use by the Board of County Commissioners.

(Ord. 90-007 §1, 1990)

22.24.125. Setting the Hearing.

A. After an application is deemed accepted a hearing date shall be set. A hearing date may be changed by the County staff, or the Hearings Body up until the time notice of the hearing is mailed. Once the notice of hearing is mailed any changes in the hearing date shall be processed as a continuance in accordance with DCC 22.24.140.

B. If an applicant requests that a hearing date be changed, such request shall be granted only if the applicant agrees that the extended time period for the hearing shall not count against the 150-day time limit set forth in DCC 22.20.040.

(Ord. 99-031 §7, 1999; Ord. 96-071 §1D, 1996; Ord. 95-045 §17, 1995)

A. Except as set forth herein, the record shall be closed to further testimony or submission of further argument or evidence at the end of the presentations before the Hearings Body.

B. If the hearing is continued or the record is held open under DCC 22.24.140, further evidence or testimony shall be taken only in accordance with the provisions of DCC 22.24.140.

C. Otherwise, further testimony or evidence will be allowed only if the record is reopened under DCC 22.24.160.

D. An applicant shall be allowed, unless waived, to submit final written arguments in support of its application after the record of the initial hearing has closed within such time limits as the Hearings Body shall set. The Hearings Body shall allow applicant at least seven days to submit its argument, which time shall be counted against the 150-day clock.

(Ord. 2006-010 §9, 2006; Ord. 99-031 §8, 1999; Ord. 96-071 §1D, 1996; Ord. 95-045 §19, 1995; Ord. 90-007 §1, 1990)

22.24.140. Continuances or Record Extensions.

A. Grounds.

1. Prior to the date set for an initial hearing, an applicant shall receive a continuance upon any request. If a continuance request is made after the published or mailed notice has been provided by the County, the Hearings Body shall take evidence at the scheduled hearing date from any party wishing to testify at that time after notifying those present of the continuance.

2. Any party is entitled to a continuance of the initial evidentiary hearing or to have the record left open in such a proceeding in the following instances:
   a. Where additional documents or evidence are submitted by any party; or
   b. Upon a party's request made prior to the close of the hearing for time to present additional evidence or testimony.

   For the purposes of DCC 22.24.140(A)(2), "additional documents or evidence" shall mean documents or evidence containing new facts or analysis that are submitted after notice of the hearing.

3. The grant of a continuance or record extension in any other circumstance shall be at the discretion of the Hearings Body.

B. Except for continuance requests made under DCC 22.24.140(A)(1), the choice between granting a continuance or leaving the record open shall be at the discretion of the Hearings Body. After a choice has been made between leaving the record open and granting a continuance, the hearing shall be governed thereafter by the provisions that relate to the path chosen.

C. Continuances.

1. If the Hearings Body grants a continuance of the initial hearing, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial hearing.

2. An opportunity shall be provided at the continued hearing for persons to rebut new evidence and testimony received at the continued hearing.

3. If new written evidence is submitted at the continued initial hearing, any person may request prior to the conclusion of the continued hearing that the record be left open for at least seven days to allow submittal of additional written evidence or testimony. Such additional written evidence or testimony shall be limited to evidence or testimony that rebuts the new written evidence or testimony.

4. If the hearing is other than an initial hearing, any continuances are at the discretion of the hearings body.
D. Leaving record open.
If at the conclusion of the initial hearing the Hearings Body leaves the record open for additional written evidence or testimony, the record shall be left open for at least 14 additional days, allowing at least the first seven days for submittal of new written evidence or testimony and at least seven additional days for response to the evidence received while the record was held open. Written evidence or testimony submitted during the period the record is held open shall be limited to evidence or testimony that rebuts previously submitted evidence or testimony.

E. A continuance or record extension granted under DCC 22.24.140 shall be subject to the 150-day time limit unless the continuance or extension is requested or otherwise agreed to by the applicant. When the record is left open or a continuance is granted after a request by an applicant, the time period during which the 150-day clock is suspended shall include the time period made available to the applicant and any time period given to parties to respond to the applicant's submittal.

(Ord. 99-031 §9, 1999; Ord. 96-071 §1D, 1996; Ord. 95-045 §18, 1995; Ord. 91-013 §9, 1991; Ord. 90-007 §1, 1990)

22.24.150. Objections to Jurisdiction, Procedure, Notice or Qualifications.
Any objections not raised prior to the close of oral testimony are waived. Parties alleging procedural error shall have the burden of proof at LUBA as to whether the error occurred and whether the error has prejudiced the party's substantial rights.

(Ord. 95-045 §20, 1995; Ord. 90-007 §1, 1990)

22.24.160. Reopening the Record.
A. The Hearings Body may at its discretion reopen the record, either upon request or on its own initiative. The Hearings Body shall not reopen the record at the request of an applicant unless the applicant has agreed in writing to an extension or a waiver of the 150-day time limit.

B. Procedures.
1. Except as otherwise provided for in DCC 22.24.160, the manner of testimony (whether oral or written) and time limits for testimony to be offered upon reopening of the record shall be at the discretion at the Hearings Body.
2. The Hearings Body shall give written notice to the parties that the record is being reopened, stating the reason for reopening the record and how parties can respond. The parties shall be allowed to raise new issues that relate to the new evidence, testimony or criteria for decision-making that apply to the matter at issue.

(Ord. 99-031 §10, 1999; Ord. 96-071 §1D, 1996; Ord. 95-045 §21, 1995)
Chapter 22.32  APPEALS

22.32.010. Who May Appeal.

22.32.015. Filing Appeals.

22.32.020. Notice of Appeal.

22.32.022. Determination of Jurisdictional Defects.

22.32.024. Transcript Requirement.

22.32.025. Consolidation of Multiple Appeals.

22.32.027. Scope of Review.

22.32.030. Hearing on Appeal.

22.32.035. Declining Review.

22.32.040. Land Use Action Hearings on Appeal From the Hearings Officer.

22.32.050. Development Action Appeals.

22.32.060. Rehearing.

22.32.070. Remands.

22.32.080. Withdrawal of an Appeal.

22.32.010. Who may appeal.

A. The following may file an appeal:

1. A party;

2. In the case of an appeal of an administrative decision without prior notice, a person entitled to notice, a person adversely affected or aggrieved by the administrative decision, or any other person who has filed comments on the application with the Planning Division; and

3. A person entitled to notice and to whom no notice was mailed. A person who, after such notices were mailed, purchases property to be burdened by a solar access permit shall be considered a person to whom notice was to have been mailed; and

4. A city, concerning an application within the urban area for that city, whether or not the city achieved party status during the proceeding.

B. A person to whom notice is mailed is deemed notified even if notice is not received.

(Ord. 95-071 §2, 1995; Ord. 95-045 §31, 1995; Ord. 90-007 §1, 1990)

22.32.015. Filing appeals.

A. To file an appeal, an appellant must file a completed notice of appeal on a form prescribed by the Planning Division and an appeal fee.

B. Unless a request for reconsideration has been filed, the notice of appeal and appeal fee must be received at the offices of the Deschutes County Community Development Department no later than 5:00 PM on the twelfth day following mailing of the decision. If a decision has been modified on reconsideration, an appeal must be filed no later than 5:00 PM on the twelfth day following mailing of the decision as modified. Notices of Appeals may not be received by facsimile machine.

C. Unless a request for reconsideration has been filed for a marijuana production or processing administrative decision, the notice of appeal and appeal fee must be received at the offices of the Deschutes County Community Development Department no later than 5:00 PM on the fifteenth day following mailing of the decision.

D. If the Board of County Commissioners is the Hearings Body and the Board declines review, a portion of the appeal fee may be refunded. The amount of any refund will depend upon the actual costs incurred by the County in reviewing the appeal. When the Board declines review and the decision is subsequently appealed to LUBA, the appeal fee may be applied toward the cost of preparing a transcript of the lower Hearings Body’s decision.
DE. The appeal fee shall be paid by method that is acceptable to Deschutes County.

22.32.020. Notice of Appeal.

Every notice of appeal shall include:
A. A statement raising any issue relied upon for appeal with sufficient specificity to afford the Hearings Body an adequate opportunity to respond to and resolve each issue in dispute.
B. If the Board of County Commissioners is the Hearings Body, a request for review by the Board stating the reasons why the Board should review the lower Hearings Body's decision.
C. If the Board of County Commissioners is the Hearings Body and de novo review is desired, a request for de novo review by the Board stating the reasons why the Board should provide de novo review as provided in DCC 22.32.030.
(Ord. 95-045 §35, 1995; Ord. 94-042 §3, 1994; Ord. 91-013 §11, 1991; Ord. 90-007 §1, 1990)

22.32.022. Determination of Jurisdictional Defects.

A. Any failure to conform to the requirements of DCC 22.32.015 and 22.32.020 shall constitute a jurisdictional defect.
B. Determination of jurisdictional defects in an appeal shall be made by the Hearings Body to which an appeal has been made.
(Ord. 96-071 §1G, 1996; Ord. 95-045 §33, 1995)

22.32.24. Transcript Requirement.

A. Except as otherwise provided in DCC 22.32.024, appellants shall provide a complete transcript of any hearing appealed from, from recorded magnetic tapes provided by the Planning Division.
B. Appellants shall submit to the Planning Division the transcript no later than the close of the day five days prior to the date set for a de novo appeal hearing or, in on-the-record appeals, the date set for receipt of written arguments. Unless excused under DCC 22.32.024, an appellant's failure to provide a transcript shall cause the Board to decline to consider the appellant's appeal further and shall, upon notice mailed to the parties, cause the lower Hearings Body's decision to become final.
C. An appellant shall be excused from providing a complete transcript if appellant was prevented from complying by: (1) the inability of the Planning Division to supply appellant with a magnetic tape or tapes of the prior proceeding; or (2) defects on the magnetic tape or tapes of the prior proceeding that make it not reasonably possible for applicant to supply a transcript. Appellants shall comply to the maximum extent reasonably and practicably possible.
D. Notwithstanding any other provisions in DCC 22.32, the appeal hearings body may, at any time, waive the requirement that the appellant provide a complete transcript for the appeal hearing.
(Ord. 2015-017 §3, 2015; Ord. 96-071 §1G, 1996)

22.32.25. Consolidation of Multiple Appeals.

A. If more than one party files a notice of appeal on a land use action decision, the appeals shall be consolidated and noticed and heard as one proceeding.
B. To the extent its costs are less than the duplicate appeal fees received when multiple appeals are filed, the Planning Division may refund a portion of the appeal fees to the appellants in an equitable manner.
C. In instances of multiple appeals where separate appellants have asked for a differing scope of review, any grant of de novo review shall control over a separate request for a more limited review on appeal.
(Ord. 96-071 §1G, 1996; Ord. 95-045 §34, 1995)
22.32.027. **Scope of Review.**

A. Before Hearings Officer or Planning Commission. The review on appeal before the Hearings Officer or Planning Commission shall be de novo.

B. Before the Board.
   1. Review before the Board, if accepted, shall be on the record except as otherwise provided for in DCC 22.32.027.
   2. The Board may grant an appellant's request for a de novo review at its discretion after consideration of the following factors:
      a. Whether hearing the application de novo could cause the 150-day time limit to be exceeded; and
      b. If the magnetic tape of the hearing below, or a portion thereof, is unavailable due to a malfunctioning of the recording device during that hearing, whether review on the record would be hampered by the absence of a transcript of all or a portion of the hearing below; or
      c. Whether the substantial rights of the parties would be significantly prejudiced without de novo review and it does not appear that the request is necessitated by failure of the appellant to present evidence that was available at the time of the previous review; or
      d. Whether in its sole judgment a de novo hearing is necessary to fully and properly evaluate a significant policy issue relevant to the proposed land use action.

   For the purposes of DCC 22.32.027, if an applicant is an appellant, factor DCC 22.32.027(B)(2)(a) shall not weigh against the appellant's request if the applicant has submitted with its notice of appeal written consent on a form approved by the County to restart the 150-day time clock as of the date of the acceptance of applicant's appeal.
   3. Notwithstanding DCC 22.32.027(B)(2), the Board may decide on its own to hear a timely filed appeal de novo.
   4. The Board may, at its discretion, determine that it will limit the issues on appeal to those listed in an appellant's notice of appeal or to one or more specific issues from among those listed on an applicant's notice of appeal.

(Ord. 99-031 §16, 1999; Ord. 96-071 §1G, 1996)

22.32.030. **Hearing on Appeal.**

A. The appellant and all other parties to the decision below shall be mailed notice of the hearing on appeal at least 10 days prior to any de novo hearing or deadline for submission of written arguments.

B. Except as otherwise provided in DCC 22.32, the appeal shall be heard as provided in DCC 22.24. The applicant shall proceed first in all de novo appeals.

C. The order of Hearings Body shall be as provided in DCC 22.24.020.

D. The record of the proceeding from which appeal is taken shall be a part of the record on appeal.

E. The record for a review on the record shall consist of the following:
   1. A written transcript of any prior hearing;
   2. All written and graphic materials that were part of the record below;
   3. The Hearings Body decision appealed from;
   4. Written arguments, based upon the record developed below, submitted by any party to the decision;
   5. Written comments submitted by the Planning Commission or individual planning commissioners, based upon the record developed below; and
   6. A staff report and staff comment based on the record.

   No oral evidence, argument or comment other than staff comment based on the record shall be taken. The Board shall not consider any new factual information.

(Ord. 97-008 §1, 1997; Ord. 96-071 §1G, 1996; Ord. 95-045 §36, 1995; Ord. 90-007 §1, 1990)
22.32.035. Declining Review.

Except as set forth in DCC 22.28.030, when there is an appeal of a land use action and the Board of County Commissioners is the Hearings Body:

A. The Board may on a case-by-case basis or by standing order for a class of cases decide at a public meeting that the decision of the lower Hearings Body of an individual land use action or a class of land use action decisions shall be the final decision of the County.

B. If the Board of County Commissioners decides that the lower Hearings Body decision shall be the final decision of the County, then the Board shall not hear the appeal and the party appealing may continue the appeal as provided by law. In such a case, the County shall provide written notice of its decision to all parties. The decision on the land use application becomes final upon mailing of the Board's decision to decline review.

C. The decision of the Board of County Commissioners not to hear a land use action appeal is entirely discretionary.

D. In determining whether to hear an appeal, the Board of County Commissioners may consider only:
   1. The record developed before the lower Hearings Body;
   2. The notice of appeal; and
   3. Recommendations of staff.

(Ord. 96-071 §1G, 1996; Ord. 95-045 §37, 1995; Ord. 94-042 §1, 1994)

22.32.040. Land Use Action Hearings on Appeal From the Hearings Officer.

Redundant testimony shall not be allowed.

(Ord. 90-007 §1, 1990)

22.32.050. Development Action Appeals.

Notice of the hearing date set for appeal shall be sent only to the applicant. Only the applicant, his or her representatives, and his or her witnesses shall be entitled to participate. Continuances shall be at the discretion of the Hearings Body, and the record shall close at the end of the hearing.

(Ord. 90-007 §1, 1990)

22.32.060. Rehearing.

Rehearings shall not be allowed.

(Ord. 90-007 §1, 1990)

22.32.070. Remands.

Applications shall not be remanded to a lower level Hearings Body after appeal.

(Ord. 90-007 §1, 1990)

22.32.080. Withdrawal of an Appeal.

An appeal may be withdrawn in writing by an appellant at any time prior to the rendering of a final decision. Subject to the existence of other appeals on the same application, in such event the appeal proceedings shall terminate as of the date the withdrawal is received. An appeal may be withdrawn under DCC 22.32.080 regardless of whether other non-filing parties have relied upon the appeal filed by the appellant.

(Ord. 95-045 §38, 1995)
Tanya & Peter,

With consensus from both Midstate and Central Electric, the language as drafted below works for both utilities. Thanks again. - Dave

Tanya Saltzman

From: Tanya Saltzman <Tanya.Saltzman@deschutes.org>
Sent: Monday, September 10, 2018 10:47 AM
To: Markham, Dave <dmarkham@cec.coop>
Cc: Peter Gutowsky <Peter.Gutowsky@deschutes.org>
Subject: RE: Deschutes County proposed marijuana amendments

ATTENTION: This sender is EXTERNAL to our company. Please do not click links or open attachments unless you requested them and know the content is safe.

Good morning Dave,
This language works for us. Please forward away as you see fit.
Thanks again,
Tanya
Good Morning Tanya – Please take a look at the re-drafted text below and let me know if this works for you, Peter and Nick. If so, I will forward to Dave Schneider at Midstate Electric Cooperative and copy you on the email. If this language does not work, Brad and I can take another run at it. Thanks. - Dave

14. Utility verification. Utility statements identifying the proposed operation, or operational characteristics such as required electrical load and timing of such electrical loads and a statement from each utility company proposed to serve the operation, stating that each such company is able and willing to serve the operation, shall be provided. The utility shall state that it has reviewed the new service or additional load request and determined if a system upgrade is required to serve the proposed use. Any new service request or additional load request requiring an upgrade shall be performed per the serving utility’s stated policy.

---

Dave Markham

President/CEO
dmarkham@cec.coop

Office: (541) 312-7764
Fax: (541) 312-7733

Central Electric Cooperative, Inc.
2098 NW 6th St., PO Box 846, Redmond OR 97756
www.cec.coop

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ATTENTION: This sender is EXTERNAL to our company. Please do not click links or open attachments unless you requested them and know the content is safe.

Good morning Dave,

Thanks again for your time regarding Deschutes County’s proposed marijuana amendments. While the language in the code concerning utility verification may be relatively short, your insights have been quite helpful and we appreciate it.

The language we arrived at yesterday was the following (new edits in bold):

14. Utility verification. Utility statements identifying the proposed operation, or operational characteristics such as required electrical load and timing of such electrical loads and a statement from each utility company proposed to serve the operation, stating that each such company is able and willing to serve the operation, shall be provided. The utility shall state that it has reviewed the new service or additional load request and determined if a system upgrade is required to serve the proposed use. Any new service request or additional load request requiring an upgrade shall be performed per the serving utility’s stated policy.
14. Utility verification. Utility statements identifying the proposed operation, or operational characteristics such as required electrical load and timing of such electrical loads and a statement from each utility company proposed to serve the operation, stating that each such company is able and willing to serve the operation, shall be provided. The utility shall state whether new service requests or system upgrades will be required to serve the proposed use. Any new service requests and/or upgrades shall be completed per the utility’s stated policy.

For reference, the previous language in the proposed amendments was the following:

14. Utility Verification. Utility statements identifying the proposed operation, or operational characteristics such as required electrical load and timing of such electrical loads and a statement from each utility company proposed to serve the operation, stating that each such company is able and willing to serve the operation, shall be provided. The utility shall state whether system upgrades will be required to serve the proposed use, and that the use will not be served until such upgrades are completed to protect existing service to neighboring users. This may also be included as a condition of approval if appropriate, insuring applicant participation in upgrade costs.

Please review, run by whomever you deem appropriate, and let us know if this is the language that works best for you. The open record period ends one week from today (September 14) at 5 p.m. so I respectfully request your response by then.

Thanks again,

Tanya
August 15, 2018

Tanya Saltzman  
Deschutes County Community Development Department

SUBJECT: Deschutes County Marijuana Text Amendments

Dear Ms. Saltzman,

Thank you for the opportunity to comment on Deschutes County’s Marijuana Text Amendments.

As the provider of public parks in the community, the District is concerned about the potential impacts marijuana production and retail facilities could have on the public’s use, enjoyment and safety in parks.

We appreciate that the text requires property line separations from marijuana properties and National monuments and state parks, but unfortunately, this text does not address separation from local parks. Because the District owns land in the County, we strongly encourage you to add text that addresses local parks as well.

If you have any questions regarding these comments, please don’t hesitate to contact me at 541-706-6130, or quinn@bendparksandrec.org.

Sincerely,

Quinn Keever, Park Planner  
Bend Park and Recreation District
Hello Tanya

Per our discussion yesterday I wanted to share the following additional comments:

1). We do not have any specific guidance or direction to offer in regard to buffer distances. We believe the larger the buffer the greater the likelihood that no unintended developments on neighboring properties will occur. However, as indicated previously, we do encourage the county to, at a minimum, suggest to applicants that they get a property survey, if one has not already been done, to confirm where boundary lines are.

2). We feel buffers should be considered for all federal lands as opposed to only being considered for those with recreational or other public developments. We do not have a specific opinion if buffers should be larger next to developed areas as opposed to undeveloped.

3). We continue to support the requirement of legal access for any application the county is considering.

Thank you again for the opportunity to meet yesterday.

Sincerely

Jeff Kitchens
Deschutes Field Manager

Jeff Kitchens
Deschutes Field Office Manager
USDOI - BLM - Prineville District
3050 NE 3rd Street
Prineville, OR  97754

Phone: (541) 416-6766,
Fax: (541) 416-6798
Cell: (541) 350-5955
Prineville District Office: (541) 416-6700
e-mail: jhkitche@blm.gov
Attachment 3:
Medical Marijuana Enforcement Memorandum
MEMORANDUM

TO: Open Public Record (247-18-000540-TA)

FROM: Tanya Saltzman, Associate Planner

DATE: September 14, 2018

SUBJECT: Marijuana Text Amendments – Medical Marijuana Enforcement

I. OVERVIEW

The Board of County Commissioners (Board) conducted a public hearing on August 28, 2018 to consider Ordinance 2018-012, a series of text amendments pertaining to the regulation and enforcement of medical and recreational marijuana on rural lands in Deschutes County. Throughout the hearing, both the public and the Board discussed the complexities governing medical marijuana grows and the County’s ability to regulate and enforce these sites. One option to be considered is to classify lawfully established medical marijuana grow sites as nonconforming uses, and expressly require existing legal medical marijuana grow sites to apply for a nonconforming use verification. It is important to note, however, that the legal landscape surrounding marijuana is constantly shifting, and that this approach to medical marijuana compliance may be subject to conflicting legal opinions.

II. NONCONFORMING USE VERIFICATION

1. Background

During the public hearing, a significant amount of testimony may have been addressing the negative effects—(noise, odor, etc.) of either medical or illegal grows—in other words, marijuana production that is beyond the scope of the proposed amendments. As acknowledged during the hearing, the County generally cannot identify the location of the majority of medical grow operations unless a specific complaint has been lodged, owing to state statute. How, then, can the County ensure that any potential adverse impacts from medical grow sites are mitigated?

Current regulations require medical grow sites registered with the Oregon Health Authority prior to June 1, 2016 to have complied with lighting standards (DCC 18.116.340(B)) by September 2016, and
with odor, noise, screening and fencing, water, security cameras, and secure waste disposal (DCC 18.116.340(C)) by December 15, 2016. Medical grow sites registered by OHA on or after June 1, 2016 must comply with the standards set forth in DCC 18.116.340(D). However, while the code requires the aforementioned standards are met, due to privacy restrictions this is enforceable by the County only if a complaint is received to a specific address.

2. Nonconforming Use Overview

A nonconforming use verification is required under DCC 18.120 to “maintain” a use that was previously permitted and is no longer permitted under state or county law—it is essentially the “grandfathering” of a use that was, at one time, legal.1 Under the current code there is some ambiguity whether lawfully established medical grow sites are required to obtain non-conforming use verification. Were the Board to expressly require non-conforming use verifications for lawfully established medical grow sites, it would present an option for gaining an understanding of the locations of medical grow locations and incorporating them into the County’s inspections and annual reporting system.

The property, whose location would now be known by the County, would then be subject to DCC 18.116.340, Marijuana Production Registered by the Oregon Health Authority. If a property owner chose to ignore the new law and did not apply for a nonconforming use verification during the prescribed time period, he or she would risk code enforcement should the location of the site be revealed, whether by an individual complaint or a larger-scale change to OHA’s privacy policy.

The NCU verification process would require the following from the applicant:

1) Fee – details TBD. In order to encourage compliance, NCU verification should not be prohibitively high. Staff recommends the Board consider establishing an initial low fee for a brief period to incentivize compliance and then the standard nonconforming use verification fee ($1,648/Declaratory Ruling).

2) Proof of compliance consistent with DCC 18.120.010(B), Verification of Nonconforming Use and DCC 18.120.010(F), Procedure.2

3. Nonconforming Use: Process

The process to require nonconforming use verification for existing medical marijuana grow sites would be as follows:

- County creates and adopts (potentially by emergency ordinance) nonconforming use amendments to DCC 18.116.340, Marijuana Production Registered by the Oregon Health Authority for medical marijuana grow sites, stating who is required to obtain the verification, how to do so, and in what time period
- County creates informational flyer explaining new law requirements for medical growers

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1 DCC 18.120.010 - “…the lawful use of a building, structure or land existing on the effective date of DCC Title 18, any amendment thereto or any ordinance codified therein may be continued although such use or structure does not conform with the standards for new development specified in DCC Title 18.”

Flyer is mailed by OHA (owing to confidentiality law) to all registered medical grows requiring compliance and application within six months
Reminder flyer sent by OHA after three more months
Medical growers would be required to apply for and receive nonconforming use verification during this time; afterwards, if State law changes and the locations are revealed, growers would be out of compliance and subject to code enforcement
Timeline requirements should take into account potential additional load on staff to process applications.

4. NCU in Other Counties

One Oregon county, Jackson, has implemented the Nonconforming Use Approach to medical marijuana grow sites. Please find below a summary of the approach. Of note: Josephine County has also attempted to implement NCU verification with an explicit timeframe, but the ordinance containing this requirement was appealed and the County is currently undergoing legal procedures addressing their marijuana regulations more generally.

Jackson County
- When the state defined marijuana growing as a farm use, this essentially made medical grows in residential areas illegal, since farm uses in rural residential were prohibited in Jackson County. (Note - In Deschutes County, agricultural uses are allowed in rural residential zones, similar to Jackson County. Agricultural use is defined differently from farm use in County Code.)
- NCU verification allowed these growers (who had previously been operating legally) to be grandfathered in, even though state rules had changed
- Created large staffing needs: code enforcement load doubled the first year and a new hire was necessary just to process marijuana land use applications enforce codes. Planning: high early volume, thought it would level off, but then continued volume with property/grow expansions.
- No special standards for medical marijuana—general lawful pre-existing process
- No special notice given re: NCU requirement beyond normal processes
- No specific timelines or deadlines
- No special fee—basic Class 2 permit
- Jackson County does not distinguish between medical and recreational marijuana; they require land use approval for more than 10 plants (4 personal, 6 medical for a patient)
- County relies on applicants showing their grow card and would assign 6 plants per card (however, this could become a legal issue since the NCU is supposed to verify what was actually being grown at the time, not what they were permitted to grow as defined by cards)
- Odor is only regulated for processing, not production
- Complaints: first would be sent to code enforcement, which would then verify the NCU and growing license as applicable. Property owners are given the opportunity to apply for a permit.
III. BOARD CONSIDERATION

The Board may consider this approach to verify existing medical marijuana growers as well as to apply the annual reporting and inspection code requirements to ensure current and ongoing compliance.

If the Board wishes to consider this approach, staff recommends the discussion of the following items:

- Require NCU verifications for all existing medical marijuana growers in all zones or just those in the Rural Residential-10 and Multiple Use Agricultural-10 Zone?
- What is the timeline to comply?
- If the growers do not apply for the NCU verification, what are the consequences, since their locations would not be known?
- This likely will require additional staff (code enforcement and/or planning). Is the Board supportive of adding an additional one or two FTE to process the applications?
- Prior to considering this approach, does the Board want to direct staff to contact OHA to see if the agency will mail notices on behalf of Deschutes County at the County's cost? A similar arrangement occurred during the first iteration of marijuana regulations in 2016.
Attachment 4: Other Documents Submitted to Record
Legend

- **Proposed Regulations - Available Production Land**
  1,218 Taxlots, 49,061 Acres

- **Existing Regulations - Available Production Land**
  5,402 Taxlots, 208,698 Acres
Good Morning Nick,

The number of Exclusive Farm Use parcels within each acreage range is listed below.

5 - 9.99 acres: 314 parcels
10 - 19.99 acres: 363 parcels
20 - 39.99 acres: 302 parcels
40 - 79.99 acres: 141 parcels
80+ acres: 98 parcels

Thanks,

Tim Berg | Applications & Systems Analyst
DESHUTES COUNTY COMMUNITY DEVELOPMENT
117 NW Lafayette Avenue | Bend, Oregon 97703
Tel: (541) 330-4648

-----Original Message-----
From: Nick Lelack
Sent: Friday, August 31, 2018 5:03 PM
To: 'Nunzie' <nunzie@pacifier.com>
Cc: Tim Berg <Tim.Berg@deschutes.org>; Tanya Saltzman <Tanya.Saltzman@deschutes.org>
Subject: RE: mj new regs map

Hi Nunzie,

I will ask our IT staff Tim Berg if he can readily identify these numbers. He is currently covering for two IT staff positions in our department.

In addition, you recently asked me about our hiring women planners, and I confirmed that we have proudly hired several over the past few years. Please find below a link to an article featuring one of our new staff members: https://bendmagazine.com/how-a-land-use-planner-added-personal-style-to-her-bend-apartment/

Have a nice weekend.

Nick Lelack, AICP | Director
Deschutes County Community Development
117 NW Lafayette Ave | Bend, Oregon 97703
Let us know how we’re doing: Customer Feedback Survey

-----Original Message-----
From: Nunzie <nunzie@pacifier.com>
Sent: Thursday, August 30, 2018 8:50 AM
To: Nick Lelack <Nick.Lelack@deschutes.org>
Subject: mj new regs map

Hi Nick
in the mj map of properties in the new regs, please identify the numbers of EFU parcels of 5 acres, 10 acres, 20 acres, 40 acres and 80 acres.
Thanks
Nunzie