



BOARD OF COMMISSIONERS

BOARD OF COUNTY COMMISSIONERS MEETING

9:00 AM, WEDNESDAY, AUGUST 18, 2021

Barnes Sawyer Rooms - Deschutes Services Bldg - 1300 NW Wall St – Bend

(541) 388-6570 | www.deschutes.org

AGENDA

MEETING FORMAT

In response to the COVID-19 public health emergency, Oregon Governor Kate Brown issued Executive Order 20-16 (later enacted as part of HB 4212) directing government entities to utilize virtual meetings whenever possible and to take necessary measures to facilitate public participation in these virtual meetings. Since May 4, 2020, meetings and hearings of the Deschutes County Board of Commissioners have been conducted primarily in a virtual format.

Attendance/Participation options include: A) In Person Attendance and B) Live Stream Video: Members of the public may still view the BOCC meetings/hearings in real time via the Public Meeting Portal at www.deschutes.org/meetings.

Citizen Input: Citizen Input is invited in order to provide the public with an opportunity to comment on any meeting topic that is not on the current agenda. Citizen Input is provided by submitting an email to: citizeninput@deschutes.org or by leaving a voice message at 541-385-1734. Citizen input received by 8:00 a.m. before the start of the meeting will be included in the meeting record.

Zoom Meeting Information: Staff and citizens that are presenting agenda items to the Board for consideration or who are planning to testify in a scheduled public hearing may participate via Zoom meeting. The Zoom meeting id and password will be included in either the public hearing materials or through a meeting invite once your agenda item has been included on the agenda. Upon entering the Zoom meeting, you will automatically be placed on hold and in the waiting room. Once you are ready to present your agenda item, you will be unmuted and placed in the spotlight for your presentation. If you are providing testimony during a hearing, you will be placed in the waiting room until the time of testimony, staff will announce your name and unmute your connection to be invited for testimony. Detailed instructions will be included in the public hearing materials and will be announced at the outset of the public hearing.

For Public Hearings, the link to the Zoom meeting will be posted in the Public Hearing Notice as well as posted on the Deschutes County website at <https://www.deschutes.org/bcc/page/public-hearing-notices>.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

CITIZEN INPUT: *For items not on this Agenda*

Note: *In addition to the option of providing in-person comments at the meeting, citizen input comments may be emailed to citizeninput@deschutes.org or you may leave a brief voicemail at 541.385.1734. To be timely, citizen input must be received by 8:00am on the day of the meeting.*

CONSENT AGENDA

ACTION ITEMS

1. **9:05 AM** Addition of Three FTE Landfill Site Attendant Positions to the Department of Solid Waste
2. **9:15 AM** House Bill 3295 / Marijuana Tax Revenue / Cannabis Advisory Panel
3. **9:30 AM** COVID19 Update
4. **11:00 AM** Preparation for Public Hearing: Marijuana Retail and Annual Reporting Text Amendments

LUNCH RECESS

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.

EXECUTIVE SESSION

At any time during the meeting, an executive session could be called to address issues relating to ORS 192.660(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 media.

5. Executive Session under ORS 192.660(2)(e) Real Property Negotiations

ADJOURN



Deschutes County encourages persons with disabilities to participate in all programs and activities. This event/location is accessible to people with disabilities. If you need accommodations to make participation possible, please call (541) 617-4747.



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: Monday August 16, 2021

SUBJECT: Addition of Three FTE Landfill Site Attendant Positions to the Department of Solid Waste

RECOMMENDED MOTION:

Consideration of a Resolution that will be presented to the Board of County Commissioners on Wednesday, August 25, 2021 to add three FTE Landfill Site Attendant positions to the Department of Solid Waste.

BACKGROUND AND POLICY IMPLICATIONS:

Converting the equivalent of two contract labor positions to FTE Landfill Site Attendants

Current Landfill Site Attendant staffing during the November-April period is 8 FTE County employees plus contract labor providing coverage comparable to 1.75 FTE employees. This includes site attendants at all five solid waste facilities in the pay booths and two attendants performing customer service and safety duties at the Knott Landfill transfer station. For the most part, contract labor work full time schedules, including providing some of the needed coverage for employee vacations and absences.

Staffing for the May-October period includes the November-April levels described above plus the equivalent of an additional 2.25 FTE contract employees to accommodate seasonal Sunday operations at Knott Landfill and an additional attendant at Southwest Transfer Station to assist with site operations with the heavier spring/summer season traffic flow.

Over the past several years, growth in traffic and volumes of solid waste being received at all facilities has necessitated the extended use of contract labor at Knott Landfill and Southwest Transfer Station. The customer traffic count at Knott Landfill has risen from 129,000 in 2017 to 153,638 in 2020. The trend to date in 2021 is to exceed the 2020 traffic count by an additional 20,000 transactions.

During the 2006 recession, several FTE positions in the Solid Waste Department were eliminated. As the economy recovered and Sundays were added seasonally to operations at Knott Landfill, additional landfill attendant positions were filled with contract labor. At

that time, the Solid Waste Department and the International Union of Operating Engineers (IUOE) agreed to take a “wait and see” approach and has continued to fill positions with contract labor as the economy stabilized. As there are no indications that waste flows will abate nor the operating schedule for Knott Landfill being reduced in the foreseeable future, an assessment of the use of contract labor is warranted. In order to maintain compliance with the collective bargaining agreement (CBA) between Deschutes County and the IUOE, the equivalent of two of the contract labor positions should be converted to FTE County employees.

Adding one FTE Landfill Site Attendant position for Negus Transfer Station

Bureau of Labor and Industry regulations and the IUOE CBA require that employees be provided with two uninterrupted 15 minute rest breaks during their work shifts. Historically, the rural site attendants were able to get breaks at times there were lulls in customer traffic at the sites. This is still the case at both the Alfalfa and Northwest transfer stations. Southwest Transfer Station is staffed with a County FTE and a seasonal contract labor person during the May-October busy season and the attendants are able to provide the mandatory rest breaks for each other.

Negus Transfer Station is staffed by one site attendant only and Republic Services furnishes labor services for facility operations and customer service outside the tollbooth. Traffic volumes at Negus Transfer Station have grown steadily to the point where the employee has little, if any, time to take their mandatory breaks. Over the past three years, the traffic count has risen from 61,500 in 2019 to a forecasted count of 76,500 for 2021. Staff considered 4 options to facilitate the Negus site attendant breaks:

- Closing Negus Transfer Station mid-morning and mid-afternoon for breaks
This option was dismissed as impractical for customer service needs.
- Having Republic Services staff cover tollbooth operations during attendant breaks
This is a departure from the services that Republic Services provides at Negus Transfer Station and Solid Waste has maintained a policy that all cash handling duties be conducted by County staff. In discussing this option with Republic Services, they indicated that they prefer to not participate in cash handling duties for the County’s tollbooth operations at this time.
- Having a Knott Landfill attendant drive to Negus twice daily to provide rest breaks
The option was deemed an impractical use of County resources to apply on a continuous basis. Additionally, customer safety is a primary area of focus at the Knott Landfill Transfer Station and reducing transfer station staff during the middle of the day by taking an attendant away from duties at the Knott Transfer Station to accommodate breaks at Negus is a safety concern.

- Adding an FTE to facilitate rest breaks
This was ultimately determined to be the most effective solution. In addition to providing for the mandatory breaks, the additional employee would be able to affect more efficient tollbooth operations when customer traffic is heavy. During less busy periods, the second attendant would perform other site operation duties such as traffic control and customer assistance. Additionally, Negus Transfer Station will be undergoing substantial improvements over the next two years and will transition to weighing operations, which will require two site attendants for scale operations.

BUDGET IMPACTS:

The addition of 3.0 FTE Landfill Site Attendants is estimated to cost \$69,452 per FTE or \$208,626 for the remainder of FY22. If approved, increases in Fund 610 Personnel costs would be offset by other vacancy savings and reduced Materials and Services costs for contract labor services in FY22. Beginning in FY23, these positions would be funded as an ongoing portion of Solid Waste personnel costs in fund 610.

ATTENDANCE:

Chad Centola, Interim Director of Solid Waste



**BOARD OF
COMMISSIONERS**

AGENDA REQUEST & STAFF REPORT

MEETING DATE: August 16, 2021

SUBJECT: House Bill 3295 / Marijuana Tax Revenue / Cannabis Advisory Panel

RECOMMENDED MOTION:

N/A.

BACKGROUND AND POLICY IMPLICATIONS:

On July 14, 2021, the Board agreed to convene a Cannabis Advisory Committee (CAP) starting in October as authorized under House Bill (HB) 3295. Five items are identified for the Board of County Commissioners to discuss and clarify relating to a CAP.

BUDGET IMPACTS:

None.

ATTENDANCE:

Peter Gutowsky, Planning Manager



COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Deschutes County Board of Commissioners
FROM: Nick Lelack, AICP, Director
Peter Gutowsky, AICP, Planning Manager
DATE: August 12, 2021
SUBJECT: House Bill 3295 / Marijuana Tax Revenue / Cannabis Advisory Panel

This memorandum identifies five items for the Board of County Commissioners (Board) to discuss and clarify relating to a Cannabis Advisory Panel (CAP):

- 1. Appointing a CAP;
2. County convener;
3. County representation on a Project Management Team;
4. Outside facilitation; and
5. CAP Charter.

I. CAP Appointments

On July 14, 2021, the Board agreed to convene a CAP starting in October as authorized under House Bill (HB) 3295.1 The following individuals listed in Table 1 expressed interest in being appointed. The Board will also need to appoint a designee of the county commission as well as a member of the public.

Table 1 – CAP / Consideration of Appointment

Table with 2 columns: Name, Representation. Rows include Hunter Neubauer, Matt Hurt, Joseph Stapleton, Dustin Miller, Detective, TBD, and another TBD.

1 https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/HB3295. Section 3
2 Matt Hurt and Joe Stapleton both expressed interest. They represent the two marijuana dispensaries operating in rural Deschutes County.
3 Liz Lotochinski, Real Estate Broker, reached out to the Community Development Department expressing interest. She participated on Deschutes County’s Marijuana Advisory Committee in 2016 representing the Tumalo area as a rural resident.

Name	Representation
Kyle Gorman or designee from Oregon Water Resources Department	A watermaster, as described in ORS 540.020, who is appointed for a water district in, partially in or near the county
Gary Bracelin ⁴	A representative of the county who is knowledgeable about economic development in the county

II. County Convener

The Board needs to confirm which county department is the convener of the CAP. On August 11, 2021, during the discussion of the Planning Division’s FY 2021-22 Work Plan, the Board expressed support for County Administration undertaking that role on a quarterly basis, instead of the Community Development Department.

III. Draft Project Management Team (PMT) and Facilitation

A PMT consisting of county staff can assist the CAP as it makes informed recommendations to the Board. Table 2 lists PMT representation for the Board’s consideration.

Table 2 – PMT Representation

County Representation	Role
Administration	Convener / Administration
CDD	Land Use / Building / Environmental Soils
Finance	Finances
Health Department	Public Health
Legal Counsel	Legal Services
Sheriff Office	Law Enforcement and Prevention

IV. Facilitation

The Board may want to consider outside facilitation for the CAP. An outside facilitator was utilized for the Deschutes County Marijuana Advisory Committee, which convened seven time in 2016 from February to April to discuss HB 3400.

V. Draft Charter

A draft charter is attached for the Board’s consideration. It defines the roles and responsibilities, as well as the mission, composition, responsibilities, and standard protocols of the CAP.

Attachment:

Draft CAP Charter

⁴ The Bend Chamber of Commerce in coordination with Economic Development of Central Oregon recommended Gary Bracelin. Mr. Bracelin is affiliated with Tokyo Starfish, a marijuana dispensary in Bend.

CANNIBIS ADVISORY PANEL

August 2021

Background

Introduced by Representative Jason Kropf (D, Bend), sponsored by Representative Jack Zika (R, Redmond), and ultimately adopted by the Oregon Legislature on June 26, 2021, House Bill (HB) 3295 ensures that counties that participate in Oregon marijuana economy receive a share of marijuana revenue. For Deschutes County, to receive marijuana tax revenue, the Board of County Commissioners (Board) must appoint a Cannabis Advisory Panel (CAP).

Marijuana tax revenue has not been paid to Deschutes County by the Oregon Department of Revenue since 2019, when the Board passed Ordinance 2019-014, prohibiting the establishment of future (new) marijuana production and processing businesses in unincorporated Deschutes County (commonly referred to as an Opt Out). Ordinance No. 2019-015, adopted on October 16, 2019, further clarified that Ordinance No. 2019-014 has no impact on the County’s past marijuana production land use decisions and does not preclude those applicants from moving forward in the licensure process with the Oregon Liquor Control Commission (OLCC). On November 3, 2020, Ballot Measure 9-134 asked voters if they wanted to repeal the opt-out ordinances—a “yes” vote would once again allow new marijuana production and processing businesses in Deschutes County, and a “no” vote would continue to prohibit new marijuana production and processing businesses in Deschutes County. Ultimately, Deschutes County residents voted “no” to Measure 9-134, thereby upholding the opt-out and prohibiting future/new recreational marijuana production and processing businesses from being established in the unincorporated county.

Mission and Purpose

The Board appointed the CAP in August 2021 to meet quarterly and provide at least three recommendations:

1. The use of moneys transferred to the county under ORS 475B.759;
2. Increases in public safety measures related to marijuana use and marijuana entitles in the county; and
3. Issues presented by the production, processing, wholesaling and distribution of marijuana in the unincorporated area subject to the jurisdiction of the county.

Structure and Membership

The CAP consists of 7 voting members appointed by the Board. A Project Management Team consisting of county staff will support the CAP in the following areas:

- Meeting facilitation and communications
- Website updates and maintenance
- Provide an overview of public meeting laws and ethics, education (i.e., applicable laws and rules), technical information and memorandums, and options for decision making
- Meeting minutes

Record Keeping and Transparency

As an official public body, meeting minutes will be taken and posted on a designated website. Meeting minutes will be shared via email with all members prior to the meeting for review, and will be approved as drafted or modified by the CAP at a subsequent meeting. All opinions, perspectives, and views will be captured in meeting minutes and project management teams reports to the Board. This Charter will be posted to the project website and remain a publically available document.

Membership

The CAP is comprised of members listed in the table below.

Name	Organization / Background
TBD	A person who holds a license issued under ORS 475B.070 for a premises located in the county (i.e. MJ production license)
TBD	A person who holds a license issued under ORS 475B.105 for a premises located in the county (i.e. MJ retail license)
TBD	A designee of the county sheriff
TBD	A designee of the county commission
TBD	A member of the public
TBD	A watermaster, as described in ORS 540.020, who is appointed for a water district in, partially in or near the county
TBD	A representative of the county who is knowledgeable about economic development in the county

Ground Rules and Expectations

1. Attendance. The CAP strives for full attendance at every meeting.
2. Inclusivity and Civility. CAP members are expected to create space for diverse or contradictory opinions, and support collaboration in all meetings.

IV. Meeting Times, Quorum, Participation, Tentative Schedule

CAP meetings will be scheduled quarterly starting in October from 4:00-6:30 p.m. at the Deschutes Services Building, 1300 NW Wall Street, Bend, OR. Meeting agendas will be posted on the project website and provided to CAP members via email approximately one (1) week prior to each meeting.

Regular check-ins with the Board may occur monthly or more frequently if necessary.

A quorum (majority) of the members shall be required to make recommendations.

SCHEDULE

Date	Topics of Discussion
October TBD	Orientation, Introductions, Purpose/Charter, Ground Rules, Quarterly Meeting Dates, HB 3295 recommendations
January TBD	HB 3295 recommendations, other issues
April TBD	TBD
July TBD	TBD
The CAP will meet continue to meet quarterly in October, January, April and July.	

DRAFT



**BOARD OF
COMMISSIONERS**

AGENDA REQUEST & STAFF REPORT

MEETING DATE: 8/18/2021

SUBJECT: Preparation for Public Hearing: Marijuana Retail and Annual Reporting Text Amendments

BACKGROUND AND POLICY IMPLICATIONS:

Staff will present proposed text amendments to the Board of County Commissioners on August 18, 2021, in preparation for an August 25 public hearing concerning legislative amendments to 1) extend the permitted hours for marijuana retail businesses and 2) modify marijuana annual reporting requirements.

BUDGET IMPACTS:

None

ATTENDANCE:

Tanya Saltzman, Senior Planner



MEMORANDUM

TO: Deschutes County Board of Commissioners

FROM: Tanya Saltzman, AICP, Senior Planner

DATE: August 12, 2021

SUBJECT: Preparation for Public Hearing: Marijuana Retail Hours and Annual Reporting Text Amendments

Staff will present proposed text amendments to the Board of County Commissioners (Board) on August 16, 2021, in preparation for an August 25 public hearing concerning legislative amendments to 1) extend the permitted hours for marijuana retail businesses and 2) modify marijuana annual reporting requirements.

Staff submitted a 35-day Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) on June 9, 2021. Staff initially brought these issues to the Planning Commission for a preliminary discussion on May 13,¹ and had a subsequent discussion with the Board of County Commissioners on May 24,² at which time the Board directed staff to initiate the text amendment process. Staff held a public hearing before the Planning Commission on July 22, 2021, at which time the Planning Commission recommended approval with minor clarifications that are noted below. Staff has provided the proposed amendments and findings as part of draft Ordinance No. 2021-011 (attached), as well as record documents prior to this work session.

I. BACKGROUND

Both components of the proposed legislative amendments initially began with requests from Deschutes County property owners.

The Board received a request from a marijuana retailer to adjust marijuana retail hours of operation in rural Deschutes County. Deschutes County Code 18.116.330(C)(1) currently permits hours of operation from 9 a.m. to 7 p.m. for marijuana retail; however, the OLCC permits hours of operation from 7 a.m. to 10 p.m. This discrepancy may put these businesses at a competitive disadvantage, as

¹ https://deschutescountyor.iqm2.com/Citizens/Detail_Meeting.aspx?ID=2770

² https://deschutescountyor.iqm2.com/Citizens/Detail_Meeting.aspx?ID=2701

retail operations within Bend and La Pine city limits generally adhere to OLCC guidelines.³ As one local business owner has described, the more restrictive hours may be having an impact on profit and opportunities to hire more staff. There are currently two marijuana retail businesses in unincorporated Deschutes County—one near La Pine and the other just outside of Sunriver.

The Board also received a request from a marijuana producer to modify or remove annual reporting and inspection requirements for marijuana-related businesses to reduce redundancies for business owners and operational capacity strains on staff.

In its current form, annual reporting by marijuana establishments—which requires applicants to document their satisfaction of their conditions of land use approval—is submitted to the Community Development Department (CDD) by February 1 of each year, including the applicable fee (\$796 in 2020) for those businesses with licenses, and a fully executed Consent to Inspect Premises form. Staff then reviews and logs those annual reports and uses them as a basis for a site visit in the summer/fall to verify observable conditions of approval, such as odor and noise mitigation systems, water source, and other criteria. For 2021, staff anticipates conducting site visits for approximately 34 businesses throughout the county. In reporting years 2018, 2019, and 2020, staff observed 100 percent compliance with observable conditions of approval, and for those with local approval but still in the queue for their OLCC license, staff verified that none of them were producing marijuana.

OLCC, the licensing authority for recreational marijuana, performs its own “proactive compliance inspections” of marijuana businesses, which address some of the same land use conditions that Deschutes County monitors, as well as items such as harvest weight and worker compliance.

II. PROPOSAL

The proposed text amendments are as follows:

- DCC 18.116.330(C)(1): Changes hours of operation for marijuana retailing from 9:00 a.m. – 7:00 p.m. to 7:00 a.m. – 10:00 p.m., in line with OLCC hours.
- DCC 18.116.330(D)(1): Adds text to state **“If directed by the Board of County Commissioners,** an annual report shall be submitted to the Community Development Department...” (new text indicated in bold type).

The applicant, in this case Deschutes County Community Development, has submitted findings summarizing the amendments and stating that the text amendments are in compliance with the Statewide Planning Goals, and applicable policies of the Deschutes County Comprehensive Plan.

³ <https://potguide.com/oregon/marijuana-dispensaries/bend/>. Operating hours for dispensaries in Bend range from 8:00 a.m. to 8:00 p.m.; 8:00 a.m. to 9:00 p.m., 8:00 a.m. to 9:50 p.m., 8:00 a.m. to 10:00 p.m., 9:00 a.m. to 9:00 p.m. 9:00 a.m. to 10:00 p.m., 10:00 a.m. to 6:00 p.m., 12:30 to 8:30 p.m., and various times in between. There are three dispensaries in La Pine; operating hours range from 9:00 a.m. to 9:00 p.m., 9:00 a.m. to 10:00 p.m., and 10:00 a.m. to 9:00 p.m.

III. PLANNING COMMISSION HEARING AND RECOMMENDATION

A public hearing was held before the Planning Commission on July 22, 2021. Prior to the hearing one written comment was received in support of the extension of retail hours:

- Matt Hurt, COO, Constellation Holdings LLC dba Cannabis Nation

During the public hearing, one individual representing a marijuana retail business in Deschutes County provided oral testimony in support of the retail hour extension.

At the conclusion of the staff presentation, the Planning Commission closed the oral and written record, and then deliberated. The Planning Commission voiced its strong support for the extension of retail hours, noting that the existing hours provided a competitive disadvantage to businesses in the unincorporated county. Concerning the annual reporting requirements, the original language provided to the Planning Commission was viewed as too general: the original version read “An annual report shall be submitted, if requested, to the Community Development Department...” As such, the Planning Commission requested staff to refine the wording to reflect that annual reporting would be undertaken by staff if directed by the Board of County Commissioners. With this request for clarifying language, the Planning Commission voted unanimously (5-0; one absent, one vacancy) to recommend approval of the proposed amendments.

IV. ADOPTION BY EMERGENCY

Staff has provided two draft ordinances for Board consideration—one for adoption by emergency, and one for non-emergency. While the type of adoption will likely have no measurable effect on changes to annual reporting requirements, which are usually initiated by staff in December, the effective date of an adopted ordinance has the potential to affect the operations of retail businesses in the unincorporated County.

V. NEXT STEPS

A public hearing with the Board is scheduled for August 25, 2021.

Attachments:

1. Draft Ordinance No. 2021-011 - Emergency
2. Draft Ordinance No. 2021-011 – Non-Emergency
3. Corresponding Exhibits to Ordinance No. 2021-011:
 - Exhibit A – DCC Chapter 18.116, Supplementary Provisions
 - Exhibit B – Findings

Full Record:

- 2021-07-22 Planning Commission Public Hearing Packet
- 2021-07-21 Public Comment - Hurt
- 2021-07-08 PC Work Session Packet
- 2021-06-09 DLCD Confirmation Email

REVIEWED
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County Code
Title 18, Deschutes County Zoning, to Extend
Recreational Marijuana Retail Hours of Operation
and Modify Marijuana Annual Reporting
Requirements and Declaring an Emergency.

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ORDINANCE NO. 2021-011

WHEREAS, the Deschutes County Community Development Department (CDD) initiated amendments (Planning Division File No. 247-21-000579-TA) to the Deschutes County Code (DCC) Title 18, Chapter 18.116, Supplementary Provisions; to extend the permitted hours of operation of marijuana retail businesses and to modify marijuana annual reporting requirements; and

WHEREAS, the Deschutes County Planning Commission reviewed the proposed changes on July 22, 2021 and forwarded to the Deschutes County Board of County Commissioners (“Board”) a unanimous recommendation of approval pending minor clarifications to the proposed language; and

WHEREAS, the Board considered this matter after a duly noticed public hearing on August 25, 2021 and concluded that the public will benefit from the proposed changes to the Deschutes County Code Title 18; now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. AMENDMENT. DCC 18.116. Supplementary Provisions, is amended to read as described in Exhibit “A”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 2. FINDINGS. The Board adopts as its findings, Exhibit “B” attached and incorporated by reference herein.

///

Section 3. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health, safety, and welfare, an emergency is declared to exist, and this Ordinance becomes effective thirty (30) days after adoption.

Dated this _____ of _____, 2021

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DEBONE, Chair

PHILIP CHANG, Vice Chair

ATTEST:

Recording Secretary

PATTI ADAIR

Date of 1st Reading: _____ day of _____, 2021.

Date of 2nd Reading: _____ day of _____, 2021.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Anthony DeBone	___	___	___	___
Philip Chang	___	___	___	___
Patti Adair	___	___	___	___

Effective date: _____ day of _____, 2021.

REVIEWED
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County Code
Title 18, Deschutes County Zoning, to Extend
Recreational Marijuana Retail Hours of Operation
and Modify Marijuana Annual Reporting
Requirements. *

ORDINANCE NO. 2021-011

WHEREAS, the Deschutes County Community Development Department (CDD) initiated amendments (Planning Division File No. 247-21-000579-TA) to the Deschutes County Code (DCC) Title 18, Chapter 18.116, Supplementary Provisions; to extend the permitted hours of operation of marijuana retail businesses and to modify marijuana annual reporting requirements; and

WHEREAS, the Deschutes County Planning Commission reviewed the proposed changes on July 22, 2021 and forwarded to the Deschutes County Board of County Commissioners (“Board”) a unanimous recommendation of approval pending minor clarifications to the proposed language; and

WHEREAS, the Board considered this matter after a duly noticed public hearing on August 25, 2021 and concluded that the public will benefit from the proposed changes to the Deschutes County Code Title 18; now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. AMENDMENT. DCC 18.116. Supplementary Provisions, is amended to read as described in Exhibit “A”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

///

Section 2. FINDINGS. The Board adopts as its findings, Exhibit "B" attached and incorporated by reference herein.

Dated this _____ of _____, 2021

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DEBONE, Chair

PHILIP CHANG, Vice Chair

ATTEST:

Recording Secretary

PATTI ADAIR

Date of 1st Reading: _____ day of _____, 2021.

Date of 2nd Reading: _____ day of _____, 2021.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Anthony DeBone	___	___	___	___
Philip Chang	___	___	___	___
Patti Adair	___	___	___	___

Effective date: _____ day of _____, 2021.

Chapter 18.116. SUPPLEMENTARY PROVISIONS

18.116.330 Marijuana Production, Processing, Retailing, and Wholesaling

* * *

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 97:00 a.m. and no later than 710:00 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. National monuments and state parks; and
 - v. Any other marijuana retail facility licensed by the OLCC or marijuana dispensary registered with the OHA.
 - b. For purposes of DCC 18.116.330(B)(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(B)(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(B)(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(B)(7).

D. Annual Reporting

1. If directed by the Board of County Commissioners, 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. Failure to timely submit the annual report, fee, and Consent to Inspect Premises form or to demonstrate compliance with DCC 18.116. 330(C)(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.
 - 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.
 - e. Conditions of Approval Agreement to be established and maintained by the Community Development Department.
 - f. This information shall be public record subject to ORS 192.502(17).
- ([Ord. 2021-011 §1, 2021](#); Ord. 2021-007 §x, 2021; Ord. 2020-007 §16, 2020; Ord. 2019-012, 2019; Ord. 2018-012 §3, 2018; Ord. 2016-015 §10, 2016)

FINDINGS

I. PROPOSAL

This is a legislative text amendment to Deschutes County Code (DCC), Title 18, County Zoning. The changes are as follows:

- DCC 18.116.330(C)(1): Changes hours of operation for marijuana retailing from 9:00 a.m. – 7:00 p.m. to 7:00 a.m. – 10:00 p.m., in line with OLCC hours.
- DCC 18.116.330(D)(1): Adds text to state **“If directed by the Board of County Commissioners, an annual report shall be submitted to the Community Development Department...”** (new text indicated in bold type).

II. REVIEW CRITERIA

Deschutes County lacks specific criteria in DCC Titles 18, 22, or 23 for reviewing a legislative plan amendment. Nonetheless, since Deschutes County is initiating one, the County bears the responsibility for justifying that the amendments are consistent with Statewide Planning Goals and its existing Comprehensive Plan.

A. Statewide Planning Goals and Guidelines

Goal 1: Citizen Involvement: The amendments do not propose to change the structure of the County’s citizen involvement program. Notice of the proposed amendments were provided to the *Bulletin* for the Board public hearing.

Goal 2: Land Use Planning: This goal is met because ORS 197.610 allows local governments to initiate post acknowledgments plan amendments (PAPA). An Oregon Land Conservation and Development Department 35-day notice was initiated on June 9, 2021. The Planning Commission held a public hearing on July 22, 2021 and the Board of County Commissioners will hold a public hearing on August 25, 2021. The Findings document provides the adequate factual basis for the amendments.

Goal 3: Agricultural Lands: The proposed amendments do not make changes regarding marijuana’s status as a farm crop, or the appropriate location of commercial grow sites and processing operations, and therefore continue to support Statewide Goal 3, to preserve and maintain agricultural lands. The proposed amendments to the County Code are consistent with these provisions of state law and are therefore consistent with Goal 3.

Goal 4: Forest Lands: The proposed text amendments do not propose to change the County’s Plan policies or implementing regulations for compliance with Goal 4, and therefore are in compliance.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources: Complies because the text amendment does not propose to change the County’s Plan policies or implementing regulations for Goal 5 open spaces, scenic and historic areas, and natural resources.

Goal 6: Air, Water and Land Resources Quality: The proposed text amendments do not propose to change the County’s Plan policies or implementing regulations for compliance with Goal 6, and therefore are in compliance.

Goal 7: Areas Subject to Natural Disasters and Hazards: The proposed text amendments do not propose to change the County’s Plan or implementing regulations regarding natural disasters and hazards; therefore, they are in compliance.

Goal 8: Recreational Needs: Complies because the text amendment does not propose to change the County’s Plan or implementing regulations regarding recreational needs.

Goal 9: Economy of the State: Goal 9 and its implementing regulations focus on economic analysis and economic development planning required in urban Comprehensive Plans. The proposed amendments apply to rural lands but do not propose to amend the Comprehensive Plan. Nevertheless, there are currently two retail marijuana businesses in unincorporated Deschutes County. DCC 18.116.330(C)(1) permits hours of operation from 9am to 7pm for marijuana retail; however, the OLCC permits hours of operation from 7am to 10pm. Increasing the allowable hours has the potential to increase those retail businesses’ economic opportunities with respect to sales as well as employment. Changing the reporting requirements will not have a direct effect on the economy of the state.

Goal 10: Housing: This goal is not applicable because, unlike municipalities, unincorporated areas are not obligated to fulfill certain housing requirements.

Goal 11: Public Facilities and Services: Complies because the text amendments do not propose to change the County’s Plan or implementing regulations regarding public facilities and services.

Goal 12: Transportation: The proposed text amendments do not propose to change the County’s Plan or implementing regulations regarding the Transportation System Plan; therefore, they are in compliance.

Goal 13: Energy Conservation: Complies because the text amendments do not propose to change the County’s Plan or implementing regulations regarding energy conservation.

Goal 14: Urbanization: Complies because the text amendments do not propose to change the County’s Plan or implementing regulations regarding urbanization.

Goals 15 through 19 are not applicable to the proposed text amendments because the County does not contain these types of lands.

D. Deschutes County Comprehensive Plan

Chapter 1, Comprehensive Planning: This chapter sets the Goals and Policies of how the County will involve the community and conduct land use planning. As described above, the proposed regulations will be discussed at work sessions with the Board of County Commissioners, as well as to the Planning Commission, which is the County’s official committee for public involvement. Both will conduct separate public hearings.

These actions also satisfy the Goals and relevant Policies of Section 1.3, Land Use Planning Policies. Goal 1 of this section is to “maintain an open and public land use process in which decisions are based on the objective evaluation of facts.” Staff, the Planning Commission, and the Board reviewed the text amendments.

Chapter 2, Resource Management: This chapter sets the Goals and Policies of how the County will protect resource lands, including but not limited to, Agriculture and Forest as well as Water Resources and Environmental Quality.

Section 2.2, Agricultural Lands Policies, states that Goal 1 is to “preserve and maintain agricultural lands and the agricultural industry.” Changing annual reporting requirements for existing marijuana production and processing businesses will not have a direct effect on the agricultural lands they may operate on. Retail businesses are not permitted on agricultural lands.

Goal 2 promotes a diversified, sustainable, revenue-generating agricultural sector. Policy 2.2.10 calls for the promotion of economically viable opportunities and practices while Policy 2.2.11 encourages small farming enterprises including but not limited to, niche markets and organic farming and valued-added projects. The proposed text amendments do not change existing marijuana businesses’ ability to operate as a revenue generating agricultural businesses.

Goal 3 specifies the Exclusive Farm Use (EFU) policies, classifications, and codes are consistent with local and emerging agricultural conditions and markets. As noted above, the proposed amendments only impact reporting aspects of marijuana recreational production and processing businesses.



MEMORANDUM

TO: Deschutes County Planning Commission

FROM: Tanya Saltzman, AICP, Senior Planner

DATE: July 15, 2021

SUBJECT: Public Hearing: Marijuana Retail Hours and Annual Reporting Text Amendments

The Planning Commission will hold a July 22 public hearing concerning legislative amendments to 1) extend the permitted hours for marijuana retail businesses and 2) modify marijuana annual reporting requirements. Staff submitted a 35-day Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) on June 9, 2021. Staff initially brought these issues to the Planning Commission for a preliminary discussion on May 13,¹ and had a subsequent discussion with the Board of County Commissioners on May 24,² at which time the Board directed staff to initiate the text amendment process. Staff presented the proposed amendments to the Planning Commission at a work session on July 8, 2021.³

I. BACKGROUND

Both components of the proposed legislative amendments initially began with requests from Deschutes County property owners.

The Board received a request from a marijuana retailer to adjust marijuana retail hours of operation in rural Deschutes County. Deschutes County Code 18.116.330(C)(1) currently permits hours of operation from 9 a.m. to 7 p.m. for marijuana retail; however, the OLCC permits hours of operation from 7 a.m. to 10 p.m. This discrepancy may put these businesses at a competitive disadvantage, as retail operations within Bend and La Pine city limits generally adhere to OLCC guidelines.⁴ As one local business owner has described, the more restrictive hours may be having an impact on profit

¹ https://deschutescountyor.iqm2.com/Citizens/Detail_Meeting.aspx?ID=2770
² https://deschutescountyor.iqm2.com/Citizens/Detail_Meeting.aspx?ID=2701
³ https://deschutescountyor.iqm2.com/Citizens/Detail_Meeting.aspx?ID=2790
⁴ <https://potguide.com/oregon/marijuana-dispensaries/bend/>. Operating hours for dispensaries in Bend range from 8:00 a.m. to 8:00 p.m.; 8:00 a.m. to 9:00 p.m., 8:00 a.m. to 9:50 p.m., 8:00 a.m. to 10:00 p.m., 9:00 a.m. to 9:00 p.m. 9:00 a.m. to 10:00 p.m., 10:00 a.m. to 6:00 p.m., 12:30 to 8:30 p.m., and various times in between. There are three dispensaries in La Pine; operating hours range from 9:00 a.m. to 9:00 p.m., 9:00 a.m. to 10:00 p.m., and 10:00 a.m. to 9:00 p.m.

and opportunities to hire more staff. There are currently two marijuana retail businesses in unincorporated Deschutes County—one near La Pine and the other just outside of Sunriver.

The Board also received a request from a marijuana producer to modify or remove annual reporting and inspection requirements for marijuana-related businesses beginning in 2022 to reduce redundancies for business owners and operational capacity strains on staff.

In its current form, annual reporting by marijuana establishments—which requires applicants to document their satisfaction of their conditions of land use approval—is submitted to the Community Development Department (CDD) by February 1 of each year, including the applicable fee (\$796 in 2020) for those businesses with licenses, and a fully executed Consent to Inspect Premises form. Staff then reviews and logs those annual reports and uses them as a basis for a site visit in the summer/fall to verify observable conditions of approval, such as odor and noise mitigation systems, water source, and other criteria. For 2021, staff anticipates conducting site visits for approximately 34 businesses throughout the county. In reporting years 2018, 2019, and 2020, staff observed 100 percent compliance with observable conditions of approval, and for those with local approval but still in the queue for their OLCC license, staff verified that none of them were producing marijuana.

OLCC, the licensing authority for recreational marijuana, performs its own scheduled “proactive compliance inspections” of marijuana businesses, which address some of the same land use conditions that Deschutes County monitors, as well as items such as harvest weight and worker compliance.

II. PROPOSAL

The proposed text amendments are as follows:

- DCC 18.116.330(C)(1): Changes hours of operation for marijuana retailing from 9:00 a.m. – 7:00 p.m. to 7:00 a.m. – 10:00 p.m., in line with OLCC hours.
- DCC 18.116.330(D)(1): Adds text to state “An annual report shall be submitted, **if requested,** to the Community Development Department...” (new text indicated in bold type).
 - Staff notes that during the Planning Commission work session, some commissioners discussed the option of providing more clarity in this added phrase; the Planning Commission may choose to address this during deliberations.

The applicant, in this case Deschutes County Community Development, has submitted findings summarizing the amendments and stating that the text amendments are in compliance with the Statewide Planning Goals, and applicable policies of the Deschutes County Comprehensive Plan.

III. NEXT STEPS

At the conclusion of the public hearing, the Planning Commission can:

- Continue the hearing to a date certain;
- Close the oral record and leave the written record open to a date certain;
- Close the oral record and the written record and set a date for deliberations; or
- Close the hearing and begin deliberations.

Attachments:

1. Proposed Text Amendments – DCC Chapter 18.116.330
2. Proposed Findings

Chapter 18.116. SUPPLEMENTARY PROVISIONS

18.116.330 Marijuana Production, Processing, Retailing, and Wholesaling

* * *

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 7:10:00 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. National monuments and state parks; and
 - v. Any other marijuana retail facility licensed by the OLCC or marijuana dispensary registered with the OHA.
 - b. For purposes of DCC 18.116.330(B)(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(B)(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(B)(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(B)(7).

D. Annual Reporting

1. An annual report shall be submitted, if requested, 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. Failure to timely submit the annual report, fee, and Consent to Inspect Premises form or to demonstrate compliance with DCC 18.116. 330(C)(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.
 - 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.
 - e. Conditions of Approval Agreement to be established and maintained by the Community Development Department.
 - f. This information shall be public record subject to ORS 192.502(17).
- ([Ord. 2021-00x §x, 2021](#); Ord. 2021-007 §x, 2021; Ord. 2020-007 §16, 2020; Ord. 2019-012, 2019; Ord. 2018-012 §3, 2018; Ord. 2016-015 §10, 2016)

FINDINGS

I. BACKGROUND

A. Deschutes County Marijuana Regulation History

Following the passage of Ballot Measure 91 (2014), legalizing the sale and recreational use of marijuana, and HB 3400 (2015), refining the implementation of marijuana legalization, the Deschutes County Board of Commissioners (Board) adopted marijuana regulations in June 2016 (Ordinance Nos. 2016-013, 2016-014, 2016-015, 2016-017, 2016-018, and 2016-019). Following their initial adoption, the Board committed to reexamine Deschutes County's marijuana land use regulations post-implementation after gaining additional experience regulating the evolving marijuana industry. Deschutes County utilized extensive resources from 2017 to 2019 to attempt to develop reasonable time, place, and manner marijuana regulations. During this time, citizens on all sides of the issue vocally expressed their dissatisfaction, consistently expressing doubt that Deschutes County's regulations have the ability to successfully harmonize ostensibly incompatible land uses in the rural County due to marijuana's classification as a farm crop.

On August 19, 2019, the Board adopted by emergency Ordinance No. 2019-014, which prohibited the establishment of future (new) marijuana production and processing businesses in unincorporated Deschutes County (commonly referred to as an Opt Out). Ordinance No. 2019-015, adopted on October 16, 2019, further clarified that Ordinance No. 2019-014 has no impact on the County's past marijuana production land use decisions and does not preclude those applicants from moving forward in the licensure process with the Oregon Liquor Control Commission (OLCC).

Oregon law (ORS 475B.968) provides that Deschutes County may adopt ordinances prohibiting marijuana businesses, but must then refer the matter to County electors at the next statewide general election. On November 3, 2020, Ballot Measure 9-134 asked voters if they wanted to repeal the opt-out ordinances. As the ballot measure was phrased, a "yes" vote would once again allow new marijuana production and processing businesses in Deschutes County, and a "no" vote would continue to prohibit new marijuana production and processing businesses in Deschutes County. Ultimately, 57% of Deschutes County's electorate voted "no" to [Measure 9-134](#), thereby upholding the opt-out and prohibiting future/new commercial marijuana production and processing businesses from being established in the unincorporated County. Existing marijuana production and processing businesses may continue to operate per their conditions of approval. Retail marijuana businesses are unaffected by the opt-out.

II. PROPOSAL

This is a legislative text amendment to Deschutes County Code (DCC), Title 18, County Zoning. The amendments modify marijuana retail hours consistent with the Oregon Liquor and Control Commission (OLCC) requirements and provide the Board of County Commissioners the discretion to modify annual marijuana reporting requirements.

III. REVIEW CRITERIA

Deschutes County lacks specific criteria in DCC Titles 18, 22, or 23 for reviewing a legislative plan amendment. Nonetheless, since Deschutes County is initiating one, the County bears the responsibility for justifying that the amendments are consistent with Statewide Planning Goals and its existing Comprehensive Plan.

A. Statewide Planning Goals and Guidelines

Goal 1: Citizen Involvement: The amendments do not propose to change the structure of the County’s citizen involvement program. Notice of the proposed amendments were provided to the *Bulletin* for the Board public hearing.

Goal 2: Land Use Planning: This goal is met because ORS 197.610 allows local governments to initiate post acknowledgments plan amendments (PAPA). An Oregon Land Conservation and Development Department 35-day notice was initiated on June 9, 2021. The Planning Commission will hold a public hearing on July 22, 2021. The Findings document provides the adequate factual basis for the amendments.

Goal 3: Agricultural Lands: The proposed amendments do not make changes regarding marijuana’s status as a farm crop, or the appropriate location of commercial grow sites and processing operations, and therefore continue to support Statewide Goal 3, to preserve and maintain agricultural lands. The proposed amendments to the County Code are consistent with these provisions of state law and are therefore consistent with Goal 3.

Goal 4: Forest Lands: The proposed text amendments do not propose to change the County’s Plan policies or implementing regulations for compliance with Goal 4, and therefore are in compliance.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources: Complies because the text amendment does not propose to change the County’s Plan policies or implementing regulations for Goal 5 open spaces, scenic and historic areas, and natural resources.

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Goal 8: Recreational Needs: Complies because the text amendment does not propose to change the County’s Plan or implementing regulations regarding recreational needs.

Goal 9: Economy of the State: Goal 9 and its implementing regulations focus on economic analysis and economic development planning required in urban Comprehensive Plans. The proposed amendments apply to rural lands but do not propose to amend the Comprehensive Plan. Nevertheless, there are currently two retail marijuana businesses in unincorporated Deschutes County. DCC 18.116.330(C)(1) permits hours of operation from 9am to 7pm for marijuana retail; however, the OLCC permits hours of operation from 7am to 10pm. Increasing the allowable hours has the potential to increase those retail businesses’ economic opportunities with respect to sales as well as employment. Changing the reporting requirements will not have a direct effect on the economy of the state.

Goal 10: Housing: This goal is not applicable because, unlike municipalities, unincorporated areas are not obligated to fulfill certain housing requirements.

Goal 11: Public Facilities and Services: Complies because the text amendments do not propose to change the County’s Plan or implementing regulations regarding public facilities and services.

Goal 12: Transportation: The proposed text amendments do not propose to change the County’s Plan or implementing regulations regarding the Transportation System Plan; therefore, they are in compliance.

Goal 13: Energy Conservation: Complies because the text amendments do not propose to change the County's Plan or implementing regulations regarding energy conservation.

Goal 14: Urbanization: Complies because the text amendments do not propose to change the County's Plan or implementing regulations regarding urbanization.

Goals 15 through 19 are not applicable to the proposed text amendments because the County does not contain these types of lands.

D. Deschutes County Comprehensive Plan

Chapter 1, Comprehensive Planning: This chapter sets the Goals and Policies of how the County will involve the community and conduct land use planning. As described above, the proposed regulations will be discussed at work sessions with the Board of County Commissioners, as well as to the Planning Commission, which is the County's official committee for public involvement. Both will conduct separate public hearings.

These actions also satisfy the Goals and relevant Policies of Section 1.3, Land Use Planning Policies. Goal 1 of this section is to "maintain an open and public land use process in which decisions are based on the objective evaluation of facts." Staff, the Planning Commission, and the Board reviewed the text amendments.

Chapter 2, Resource Management: This chapter sets the Goals and Policies of how the County will protect resource lands, including but not limited to, Agriculture and Forest as well as Water Resources and Environmental Quality.

Section 2.2, Agricultural Lands Policies, states that Goal 1 is to "preserve and maintain agricultural lands and the agricultural industry." Changing annual reporting requirements for existing marijuana production and processing businesses will not have a direct effect on the agricultural lands they may operate on. Retail businesses are not permitted on agricultural lands.

Goal 2 promotes a diversified, sustainable, revenue-generating agricultural sector. Policy 2.2.10 calls for the promotion of economically viable opportunities and practices while Policy 2.2.11 encourages small farming enterprises including but not limited to, niche markets and organic farming and valued-added projects. The proposed text amendments do not change existing marijuana businesses' ability to operate as a revenue generating agricultural businesses.

Goal 3 specifies the Exclusive Farm Use (EFU) policies, classifications, and codes are consistent with local and emerging agricultural conditions and markets. As noted above, the proposed amendments only impact reporting aspects of marijuana recreational production and processing businesses.



CBN Holdings Inc.

Constellation Holdings LLC dba Cannabis Nation

56789 Lunar Dr, Bend OR, 97707

7/22/21

Dear Deschutes County Planning Commision,

This testimony is being provided for the hearing being discussed today regarding the code change extending the hours for Cannabis Retailers. I have provided a letter and testimony in December of 2020 and February of 2021, and today's comments will echo those for the record. My name is Matt Hurt, and I am the Chief Operating Officer for CBN Holdings, and the Cannabis Nation family of entities. We have been operating our dispensary in rural Deschutes County since opening in June of 2018. It has been a pleasure to serve our customers in the Sunriver community and Deschutes County for the last few years.

I write this today to show my support for the proposed change to Deschutes County Code 18.116.330(C)(1). This change would extend the current hours of operation for retail marijuana dispensaries allowed by the County (currently 9a.m. to 7p.m.) to OLCC allowed hours of 7am to 10pm. We find ourselves at a large competitive disadvantage with surrounding areas that fall within city limits and therefore city code, meaning different hours. Currently we are one of two operating dispensaries in Deschutes County that must comply with the restricted hours of operation set forth in DCC 18.116.330. All other stores have the freedom to operate under the hours set by the OLCC, 7a.m. to 10p.m.

You can imagine this puts us in a tough place, not only in terms of revenue lost, but also in serving our local community, and maximizing employment opportunities. I will describe each briefly.

- Our Seaside location had a similar hour extension in 2019 and saw increased sales and customers in the new hours. That location opened for an additional hour (1) in the morning and 2 hours in the evening. Earlier this year, we saw an average of 24 customers daily which translates to \$936 in revenue spent per day in hours that were not previously available. This is revenue that might have come in during the previous hours without the extension, but the numbers do show that given the opportunity customers will shop in the extended periods.
- We routinely have customers arriving at the Sunriver store prior to opening or just after closing that we must turn away. Many of these lost customers are locals that get home from work past 7p.m. or tourist that are unfamiliar with the restricted hours of the DCC. These customers must then drive 15 minutes to the nearest dispensary in Bend or LaPine. These are not just recreational users, but also medical patients who use cannabis for numerous conditions. This hurts our customer retention/loyalty for locals, and is a direct loss of revenue from tourist who in all likelihood will not return and source their products elsewhere.
- We currently have 8 employees at our Sunriver location. Extending our hours would require (up to) 35 hours of additional operational time weekly, which would require another 100 hours of staffing (assuming 2-3 employees working those shifts). This would give us the ability to hire 2-3 additional employees. In addition, we would need to promote 1-2 current employees to Team Lead / Key Holder positions. While this is not a huge increase, any additional employment opportunities would be welcome in the community.

I want to thank the Planning Commission, the Board of County Commissioners as well as everyone at Deschutes County for taking the time to address and update this code and give us the opportunity to fully serve the community and maximize our employment opportunities. I look forward to working with the County in the years to come.

Sincerely,



Matt Hurt
COO, CBN Holdings Inc



Deschutes County Planning Commission

117 NW Lafayette Avenue
Bend, OR 97708

SCHEDULED

Meeting: 07/08/21 05:30 PM
Department: Community Development
Category: Discussion Item
Prepared By: Tanya Saltzman
Initiator: Tanya Saltzman
Sponsors:
DOC ID: 4091

PLANNING COMMISSION ACTION ITEM (ID # 4091)

Work Session: Marijuana Retail and Reporting Text Amendments

Staff will present proposed text amendments to the Planning Commission on July 8, 2021, in preparation for a July 22 public hearing concerning legislative amendments to 1) extend the permitted hours for marijuana retail businesses and 2) modify marijuana annual reporting requirements.



MEMORANDUM

TO: Deschutes County Planning Commission

FROM: Tanya Saltzman, AICP, Senior Planner

DATE: July 1, 2021

SUBJECT: Preparation for Public Hearing: Marijuana Retail Hours and Annual Reporting Text Amendments

Staff will present proposed text amendments to the Planning Commission on July 8, 2021, in preparation for a July 22 public hearing concerning legislative amendments to 1) extend the permitted hours for marijuana retail businesses and 2) modify marijuana annual reporting requirements. Staff submitted a 35-day Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) on June 9, 2021. Staff initially brought these issues to the Planning Commission for a preliminary discussion on May 13,¹ and had a subsequent discussion with the Board of County Commissioners on May 24,² at which time the Board directed staff to initiate the text amendment process.

I. BACKGROUND

Both components of the proposed legislative amendments initially began with requests from Deschutes County property owners.

The Board received a request from a marijuana retailer to adjust marijuana retail hours of operation in rural Deschutes County. Deschutes County Code 18.116.330(C)(1) currently permits hours of operation from 9 a.m. to 7 p.m. for marijuana retail; however, the OLCC permits hours of operation from 7 a.m. to 10 p.m. This discrepancy may put these businesses at a competitive disadvantage, as retail operations within Bend and La Pine city limits generally adhere to OLCC guidelines.³ As one

¹ https://deschutescountyor.iqm2.com/Citizens/Detail_Meeting.aspx?ID=2770

² https://deschutescountyor.iqm2.com/Citizens/Detail_Meeting.aspx?ID=2701

³ <https://potguide.com/oregon/marijuana-dispensaries/bend/>. Operating hours for dispensaries in Bend range from 8:00 a.m. to 8:00 p.m.; 8:00 a.m. to 9:00 p.m., 8:00 a.m. to 9:50 p.m., 8:00 a.m. to 10:00 p.m., 9:00 a.m. to 9:00 p.m. 9:00 a.m. to 10:00 p.m., 10:00 a.m. to 6:00 p.m., 12:30 to 8:30 p.m., and various times in between. There are three dispensaries in La Pine; operating hours range from 9:00 a.m. to 9:00 p.m., 9:00 a.m. to 10:00 p.m., and 10:00 a.m. to 9:00 p.m.

Attachment: 2021-07-08 PC WS - MJ Retail and Reporting Amendments Memo (4091 : Work Session: Marijuana Retail and Reporting Text

local business owner has described, the more restrictive hours may be having an impact on profit and opportunities to hire more staff. There are currently two marijuana retail businesses in unincorporated Deschutes County—one near La Pine and the other just outside of Sunriver.

The Board also received a request from a marijuana producer to modify or remove annual reporting and inspection requirements for marijuana-related businesses beginning in 2022 to reduce redundancies for business owners and operational capacity strains on staff. In reporting years 2018, 2019, and 2020, staff observed 100 percent compliance with observable conditions of approval, and for those with local approval but still in the queue for their OLCC license, staff verified that none of them were producing marijuana.

In its current form, annual reporting by marijuana establishments is submitted to the Community Development Department (CDD) by February 1 of each year, including the applicable fee for those businesses with licenses, and a fully executed Consent to Inspect Premises form. Staff then reviews and logs those annual reports and uses them as a basis for a site visit in the summer to verify observable conditions of approval, such as odor and noise mitigation systems, water source, and other criteria. For 2021, staff anticipates conducting site visits for approximately 34 businesses throughout the county.

OLCC, the licensing authority for recreational marijuana, performs its own “proactive compliance inspections” of marijuana businesses, which address some of the same land use conditions that Deschutes County monitors, as well as items such as harvest weight and worker compliance.

II. PROPOSAL

The proposed text amendments are as follows:

- DCC 18.116.330(C)(1): Changes hours of operation for marijuana retailing from 9:00 a.m. – 7:00 p.m. to 7:00 a.m. – 10:00 p.m., in line with OLCC hours.
- DCC 18.116.330(D)(1): Adds text to state “An annual report shall be submitted, **if requested**, to the Community Development Department...” (new text indicated in bold type).

The applicant, in this case Deschutes County Community Development, has submitted findings summarizing the amendments and stating that the text amendments are in compliance with the Statewide Planning Goals, and applicable policies of the Deschutes County Comprehensive Plan.

III. NEXT STEPS

A public hearing with the Planning Commission is scheduled for July 22, 2021.

Attachments:

1. Proposed Text Amendments – DCC Chapter 18.116.330
2. Proposed Findings

Chapter 18.116. SUPPLEMENTARY PROVISIONS

18.116.330 Marijuana Production, Processing, Retailing, and Wholesaling

* * *

- 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. National monuments and state parks; and
 - v. Any other marijuana retail facility licensed by the OLCC or marijuana dispensary registered with the OHA.
 - b. For purposes of DCC 18.116.330(B)(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(B)(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(B)(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(B)(7).
- D. Annual Reporting
 - 1. An annual report shall be submitted, if requested, 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.

Attachment: Attachment 1 - DCC Chapter 18.116.330 (4091 : Work Session: Marijuana Retail and Reporting Text Amendments)

- ii. Fire, health, safety, waste water, and building codes and laws.
 - iii. State of Oregon licensing requirements.
 - b. Failure to timely submit the annual report, fee, and Consent to Inspect Premises form or to demonstrate compliance with DCC 18.116.330(C)(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.
 - 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.
 - e. Conditions of Approval Agreement to be established and maintained by the Community Development Department.
 - f. This information shall be public record subject to ORS 192.502(17).
- ([Ord. 2021-00x §x, 2021](#); Ord. 2021-007 §x, 2021; Ord. 2020-007 §16, 2020; Ord. 2019-012, 2019; Ord. 2018-012 §3, 2018; Ord. 2016-015 §10, 2016)

Attachment: Attachment 1 - DCC Chapter 18.116.330 (4091 : Work Session: Marijuana Retail and Reporting Text Amendments)

FINDINGS

I. BACKGROUND

A. Deschutes County Marijuana Regulation History

Following the passage of Ballot Measure 91 (2014), legalizing the sale and recreational use of marijuana, and HB 3400 (2015), refining the implementation of marijuana legalization, the Deschutes County Board of Commissioners (Board) adopted marijuana regulations in June 2016 (Ordinance Nos. 2016-013, 2016-014, 2016-015, 2016-017, 2016-018, and 2016-019). Following their initial adoption, the Board committed to reexamine Deschutes County's marijuana land use regulations post-implementation after gaining additional experience regulating the evolving marijuana industry. Deschutes County utilized extensive resources from 2017 to 2019 to attempt to develop reasonable time, place, and manner marijuana regulations. During this time, citizens on all sides of the issue vocally expressed their dissatisfaction, consistently expressing doubt that Deschutes County's regulations have the ability to successfully harmonize ostensibly incompatible land uses in the rural County due to marijuana's classification as a farm crop.

On August 19, 2019, the Board adopted by emergency Ordinance No. 2019-014, which prohibited the establishment of future (new) marijuana production and processing businesses in unincorporated Deschutes County (commonly referred to as an Opt Out). Ordinance No. 2019-015, adopted on October 16, 2019, further clarified that Ordinance No. 2019-014 has no impact on the County's past marijuana production land use decisions and does not preclude those applicants from moving forward in the licensure process with the Oregon Liquor Control Commission (OLCC).

Oregon law (ORS 475B.968) provides that Deschutes County may adopt ordinances prohibiting marijuana businesses, but must then refer the matter to County electors at the next statewide general election. On November 3, 2020, Ballot Measure 9-134 asked voters if they wanted to repeal the opt-out ordinances. As the ballot measure was phrased, a "yes" vote would once again allow new marijuana production and processing businesses in Deschutes County, and a "no" vote would continue to prohibit new marijuana production and processing businesses in Deschutes County. Ultimately, 57% of Deschutes County's electorate voted "no" to [Measure 9-134](#), thereby upholding the opt-out and prohibiting future/new commercial marijuana production and processing businesses from being established in the unincorporated County. Existing marijuana production and processing businesses may continue to operate per their conditions of approval. Retail marijuana businesses are unaffected by the opt-out.

II. PROPOSAL

This is a legislative text amendment to Deschutes County Code (DCC), Title 18, County Zoning. The amendments modify marijuana retail hours consistent with the Oregon Liquor and Control Commission (OLCC) requirements and provide the Board of County Commissioners the discretion to modify annual marijuana reporting requirements.

III. REVIEW CRITERIA

Deschutes County lacks specific criteria in DCC Titles 18, 22, or 23 for reviewing a legislative plan amendment. Nonetheless, since Deschutes County is initiating one, the County bears the responsibility for justifying that the amendments are consistent with Statewide Planning Goals and its existing Comprehensive Plan.

A. Statewide Planning Goals and Guidelines

Goal 1: Citizen Involvement: The amendments do not propose to change the structure of the County’s citizen involvement program. Notice of the proposed amendments were provided to the *Bulletin* for the Board public hearing.

Goal 2: Land Use Planning: This goal is met because ORS 197.610 allows local governments to initiate post acknowledgments plan amendments (PAPA). An Oregon Land Conservation and Development Department 35-day notice was initiated on June 9, 2021. The Planning Commission will hold a public hearing on July 22, 2021. The Findings document provides the adequate factual basis for the amendments.

Goal 3: Agricultural Lands: The proposed amendments do not make changes regarding marijuana’s status as a farm crop, or the appropriate location of commercial grow sites and processing operations, and therefore continue to support Statewide Goal 3, to preserve and maintain agricultural lands. The proposed amendments to the County Code are consistent with these provisions of state law and are therefore consistent with Goal 3.

Goal 4: Forest Lands: The proposed text amendments do not propose to change the County’s Plan policies or implementing regulations for compliance with Goal 4, and therefore are in compliance.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources: Complies because the text amendment does not propose to change the County’s Plan policies or implementing regulations for Goal 5 open spaces, scenic and historic areas, and natural resources.

Goal 6: Air, Water and Land Resources Quality: The proposed text amendments do not propose to change the County’s Plan policies or implementing regulations for compliance with Goal 6, and therefore are in compliance.

Goal 7: Areas Subject to Natural Disasters and Hazards: The proposed text amendments do not propose to change the County’s Plan or implementing regulations regarding natural disasters and hazards; therefore, they are in compliance.

Goal 8: Recreational Needs: Complies because the text amendment does not propose to change the County’s Plan or implementing regulations regarding recreational needs.

Goal 9: Economy of the State: Goal 9 and its implementing regulations focus on economic analysis and economic development planning required in urban Comprehensive Plans. The proposed amendments apply to rural lands but do not propose to amend the Comprehensive Plan. Nevertheless, there are currently two retail marijuana businesses in unincorporated Deschutes County. DCC 18.116.330(C)(1) permits hours of operation from 9am to 7pm for marijuana retail; however, the OLCC permits hours of operation from 7am to 10pm. Increasing the allowable hours has the potential to increase those retail businesses’ economic opportunities with respect to sales as well as employment. Changing the reporting requirements will not have a direct effect on the economy of the state.

Goal 10: Housing: This goal is not applicable because, unlike municipalities, unincorporated areas are not obligated to fulfill certain housing requirements.

Goal 11: Public Facilities and Services: Complies because the text amendments do not propose to change the County’s Plan or implementing regulations regarding public facilities and services.

Goal 12: Transportation: The proposed text amendments do not propose to change the County’s Plan or implementing regulations regarding the Transportation System Plan; therefore, they are in compliance.

Attachment: Attachment 2 - Draft Findings (4091 : Work Session: Marijuana Retail and Reporting Text Amendments)

Goal 13: Energy Conservation: Complies because the text amendments do not propose to change the County's Plan or implementing regulations regarding energy conservation.

Goal 14: Urbanization: Complies because the text amendments do not propose to change the County's Plan or implementing regulations regarding urbanization.

Goals 15 through 19 are not applicable to the proposed text amendments because the County does not contain these types of lands.

D. Deschutes County Comprehensive Plan

Chapter 1, Comprehensive Planning: This chapter sets the Goals and Policies of how the County will involve the community and conduct land use planning. As described above, the proposed regulations will be discussed at work sessions with the Board of County Commissioners, as well as to the Planning Commission, which is the County's official committee for public involvement. Both will conduct separate public hearings.

These actions also satisfy the Goals and relevant Policies of Section 1.3, Land Use Planning Policies. Goal 1 of this section is to "maintain an open and public land use process in which decisions are based on the objective evaluation of facts." Staff, the Planning Commission, and the Board reviewed the text amendments.

Chapter 2, Resource Management: This chapter sets the Goals and Policies of how the County will protect resource lands, including but not limited to, Agriculture and Forest as well as Water Resources and Environmental Quality.

Section 2.2, Agricultural Lands Policies, states that Goal 1 is to "preserve and maintain agricultural lands and the agricultural industry." Changing annual reporting requirements for existing marijuana production and processing businesses will not have a direct effect on the agricultural lands they may operate on. Retail businesses are not permitted on agricultural lands.

Goal 2 promotes a diversified, sustainable, revenue-generating agricultural sector. Policy 2.2.10 calls for the promotion of economically viable opportunities and practices while Policy 2.2.11 encourages small farming enterprises including but not limited to, niche markets and organic farming and valued-added projects. The proposed text amendments do not change existing marijuana businesses' ability to operate as a revenue generating agricultural businesses.

Goal 3 specifies the Exclusive Farm Use (EFU) policies, classifications, and codes are consistent with local and emerging agricultural conditions and markets. As noted above, the proposed amendments only impact reporting aspects of marijuana recreational production and processing businesses.

Attachment: Attachment 2 - Draft Findings (4091 : Work Session: Marijuana Retail and Reporting Text Amendments)

Tanya Saltzman

From: Peter Gutowsky
Sent: Wednesday, June 30, 2021 10:50 AM
To: Tanya Saltzman
Subject: FW: Confirmation of PAPA Online submittal to DLCD

Fyi.



Peter Gutowsky, AICP | Planning Manager
DESCHUTES COUNTY COMMUNITY DEVELOPMENT
117 NW Lafayette Avenue | Bend, Oregon 97703
Tel: (541) 385-1709
  

Enhancing the lives of citizens by delivering quality services in a cost-effective manner.

From: DLCD Plan Amendments <plan.amendments@state.or.us>
Sent: Wednesday, June 9, 2021 3:18 PM
To: Peter Gutowsky <Peter.Gutowsky@deschutes.org>
Subject: Confirmation of PAPA Online submittal to DLCD

[EXTERNAL EMAIL]

Deschutes County

Your notice of a proposed change to a comprehensive plan or land use regulation has been received by the Oregon Department of Land Conservation and Development.
Local File #: 247-21-000579-TA
DLCD File #: [004-21](#)
Proposal Received: 6/9/2021
First Evidentiary Hearing: 7/22/2021
Final Hearing Date: 8/25/2021
Submitted by: pgutowsky

If you have any questions about this notice, please reply or send an email to plan.amendments@state.or.us.